



Department of Environmental Protection

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Enforcement Actions - 2014

December 2014

12/30/14: MassDEP entered into a Consent Order with Earthdance Creative Living Project, Inc. for Water Supply violations in Plainfield. Earthdance Creative Living Project, Inc. must address repeated incidents of excess levels of total coliform bacteria above the maximum contaminant level. Today's Order includes the requirement to obtain a permit for a disinfection system and to install it.

12/30/14: MassDEP was informed that Suffolk Superior Court had concluded a Consent Judgment involving the Commonwealth against Chaouki Sarkis (Sarkis) and Emerald Auto Sales and Service, Inc. (Emerald Auto) for violations of the Massachusetts Clean Air Act and the Massachusetts Hazardous Waste Management Act. Acting on information mined from the Vehicle Inspection Database (VID), Environmental Strike Force and the Inspection and Maintenance Program of BWP investigated and documented the issuance of 49 fraudulent vehicle safety and emission inspection stickers. The fraud was committed by substituting passing vehicles for inspection in order to generate a passing inspection sticker for the vehicles that did not pass inspection. One licensed inspection and maintenance inspector, employed by the facility, was found to be involved in the issuance of the fraudulent inspection stickers. In addition, hazardous waste management violations were identified during the inspection of this facility. The facility owner agreed to pay a \$14,000 penalty and agreed that if it did not comply with the terms of the Consent Judgment, the Massachusetts Registry of Motor Vehicles could suspend its ability to conduct inspections for 60 days; in addition to the 120 days the stations had already been suspended from the ability to perform inspections.

12/30/14: MassDEP executed a Consent Order with \$16,360 Penalty involving Herley Industries, Inc. for Hazardous Waste and Air Quality violations at 10 Sonar Drive in Woburn. MassDEP had inspected Herley Industries, Inc. on 9/12/14 and found violations including storing of hazardous waste over 180 days, improperly labeled hazardous waste containers, incompatible hazardous waste storage, unknown waste containers, lack of hazardous waste training, and failure to keep monthly volatile organic compound (VOC) emission records. Herley Industries, Inc. has cooperated and taken steps to bring the facility back into compliance. Herley will pay \$10,000 of the Penalty with the remaining \$6,360 suspended for one year provided the company remains in compliance.

12/30/14: MassDEP entered into a Consent Order with GGK Realty, LLC, for Waterways violations in New Bedford. GGK Realty will restore a blocked perimeter public access way at The Edge Restaurant (formerly Davy's Locker Restaurant) in New Bedford. The perimeter public access way is required by a Waterways license for this site, and it had been blocked by the

placement of a jersey-barrier by the property's previous owner. Today's Order requires the current owner to remove the barrier and post public access signage within 10 days.

12/29/14: MassDEP entered into a Consent Order with John Anderson d/b/a Quabbin Woods Restaurant for Water Supply violations in Petersham. Quabbin Woods Restaurant must address repeated instances of excess levels of total coliform bacteria, above the maximum contaminant level. Today's Order includes the requirement to take certain response actions, including disinfection should an additional instance occur within the next twelve (12) months.

12/26/14: MassDEP issued a Unilateral Order to Brice Estates, Inc. for Wetlands violations in Rutland. Today's Order requires Brice to stop alteration of wetland resource areas occurring at their subdivision construction project called Brice Lemon Estates, located in Rutland. MassDEP observed alteration of River Front areas and failure to adhere to a Superseding Order of Conditions. Today's Order further requires that the owners stop work in wetlands resource areas, prevent any further violations of the Wetlands Protection Act, and hire a wetlands specialist to evaluate the extent of wetlands alterations and develop a restoration plan for MassDEP's review and approval. Today's action will stop further damage and result in restoration of the wetland resources on site. Additional enforcement with penalty assessment is anticipated.

12/24/14: MassDEP executed a Consent Order with a \$1,000 Penalty involving MJD Real Estate, LLC, for Waste Site Cleanup violations in Adams. The LLC is the owner and/or operator of the property at 115 Howland Avenue in Adams. Specifically, violations were failure to meet deadlines set in a notice of noncompliance dated 11/29/12, which required the LLC to submit either a tier classification (permit to continue cleanup) or a final response action outcome (no further action) statement by 2/28/13. Today's Order now requires submittal of a 'financial inability' application by 12/31/14. If financial inability status is denied, MJD must submit a tier classification submittal or permanent solution within 90 days of MassDEP's denial. If MJD does not submit the required application then they must submit a tier classification or permanent solution statement by 3/31/15. Further, the full Penalty will be suspended as long as MJD complies with the terms of the Order which also contains a stipulated penalty provision for any missed deadlines.

12/22/14: MassDEP entered into a Consent order with Quabbin Regional School District for Water Supply violations in Hardwick. Quabbin Regional School District will address repeated incidents in which the maximum contaminant kevel was exceeded for total coliform bacteria at Hardwick Elementary School, a non-transient non-community public water system. Today's Order includes response actions should additional incidents occur.

12/22/14: MassDEP entered into a Consent Order with a \$7,500 Penalty involving Hampden Fence Supply for Hazardous Waste Management violations in Agawam. During an unannounced inspection conducted on 6/2/14, MassDEP discovered that the facility had exceeded the 180-day storage time limit for hazardous wastes accumulated at its facility; failed to conduct weekly inspections of the hazardous waste accumulation area; and, did not have a complete operations and maintenance manual for its industrial wastewater pretreatment system. As part of the settlement agreement, Hampden - which cooperated with MassDEP and responded quickly to address the violations - will pay \$6,000 of the Penalty with the remaining \$1,500 suspended pending Hampden's compliance with the terms of the agreement.

12/22/14: MassDEP Commissioner, David Cash, issued a Final Decision in the case involving James Ficociello, DDS. The final decision affirmed the Unilateral Order and Penalty Assessment Notice which were appealed by Ficociello. MassDEP Environmental Strike Force (ESF) determined that Ficociello was in violation of several environmental laws and regulations including discharging dental wastewater (an industrial wastewater) to a septic system (Title 5) and not a properly maintained amalgam separator. Also, the respondent was found to be not using the proper line cleaner to clean and maintain the vacuum lines, and for falsely certifying that a non-oxidizing treatment or cleaner with a pH between 6.5 and 9.0 in use at the dental facility. Besides requiring that the facility correct the violations the \$27,875 Penalty was affirmed in the final decision. MassDEP's Environmental Strike Force was instrumental in investigating the case.

12/18/14: MassDEP entered into a Consent Order with DAE Realty Trust for Waste Site Cleanup violations at 182 Route 6A in Sandwich. DAE is the owner of the site where there had been a release of petroleum to the groundwater first identified in 1988. DAE is an 'eligible person' under the Massachusetts Contingency Plan (MCP) that purchased the property in April 2006. DAE did not comply with the eligible person's provision of the MCP and has sought to establish new deadlines. New deadlines have been negotiated that will complete the necessary response actions at the site.

12/17/14: MassDEP issued a Unilateral Order and a \$30,860 Penalty Assessment to Henry Lee, 271 County Street, New Bedford, Lee failed to conduct response actions at the commercial property he owns at 271 County Street in New Bedford. Lee's property is a former gasoline service station. In 1993, leaking underground storage tanks were removed from the site and MassDEP was notified of the release. Lee initially retained the services of a Licensed Site Professional to conduct response actions at the site (as required); however, Lee then stopped conducting response actions at the site and has failed to file a permanent solution statement with MassDEP. In May of 2013, MassDEP issued Lee a notice of noncompliance, requiring Lee to continue response actions at the site. Lee has not complied with the NON.

12/16/14: MassDEP entered into a Consent Order with Massachusetts Department of Transportation (DOT) facility, number 106, in Plymouth. As owner of the Highway Division's facility on Obery Street in Plymouth, the DOT entered into a Consent Order to extend deadlines established in a Notice of Noncompliance issued by MassDEP relative to cleanup of elevated levels of petroleum and metals in fill material, soil, a condition that was addressed in 1997. MassDEP's audit of the site in 2014 found violations in the maintenance of activity and use limitations (AUL) at the property. MassDOT requested additional time to survey the property and record an AUL at the Registry of Deeds. In addition, MassDOT agreed to repair cracks and breeches in pavement within the AUL area that were observed during MassDEP's audit inspection of the property.

12/12/14: MassDEP entered into a Consent Order with the city of Easthampton to address repeated incidents of elevated levels of total coliform bacteria beyond the maximum contaminant level. Today's Order includes response actions should additional incidents occur.

12/10/14: MassDEP entered into a Consent Order with a \$20,850 Penalty involving G.B.G. Crowley, Inc., for Underground Storage Tank, Air Quality (vapor recovery) and Hazardous

Waste Management violations at 152 Western Avenue in Essex. The site was randomly chosen by the MassDEP which inspected the facility on 8/13/13. A Notice of Noncompliance was issued on 10/19/13 for violations found. After not receiving a response to the NON, MassDEP conducted a follow-up inspection on 5/21/14, and the inspection showed the facility remains in continued noncompliance with MassDEP's Underground Storage Tank, Air Quality (vapor recovery) and Hazardous Waste Management regulations. Today's Order now requires G. B. G. Crowley, Inc. to pay \$6,000 of the Penalty, correct all the violations and remain in compliance with the requirements. MassDEP will suspend \$14,850 of the Penalty under the Small Business Policy if the company remains in compliance.

12/9/14: MassDEP entered into an Amendment to an existing Consent Order with Pine Valley Plantation Cooperative Corporation for Water Supply violations in Belchertown. Pine Valley Plantation Cooperative Corporation is required to address repeated incidents of excess allowed withdrawal from its sources. Today's Amendment includes leak detection and repair, conservation and other measures, documentation of those actions and specific response actions if additional incidents occur.

12/9/14: MassDEP entered into a Consent Order with a \$2,900 Penalty involving Herb Chambers for Underground Storage Tank violations at the Cambridge Street, Inc./Audi Burlington location at 62 Cambridge Street in Burlington. Randomly chosen by MassDEP's program, the initial inspection of the facility on 7/24/14 resulted in the issuance of a notice of noncompliance (NON) for underground storage tank violations. The respondent failed to respond to the NON. MassDEP again inspected and followed-up on the aforementioned NON on 6/23/14. The inspection showed the dealership is in continued noncompliance with the regulations. Today's Order now requires Herb Chambers Cambridge Street, Inc./Audi Burlington to pay the \$2,900 Penalty, to correct all violations and remain in compliance with the requirements.

12/5/14: MassDEP entered into a Consent Order with a \$7,500 Penalty involving R&H Discount Cleaners for Waste Site Cleanup violations at 507 Washington Street in Norwell. There had been a release of chlorinated solvent to the groundwater at this site. In April 2012, MassDEP issued R&H a Notice of Noncompliance (NON) for having failed to complete the response actions in a timely manner as specified in the Massachusetts Contingency Plan. R&H did not comply or respond to MassDEP's NON. Today's Order now establishes negotiated timelines for completion of work at the site and contains a \$7,500 Penalty for failing to respond to MassDEP's original NON.

12/5/14: MassDEP entered into a Consent Order with an \$8,630 Penalty involving Suffolk Construction Co., for Waste Site Cleanup violations at Logan Airport, 6 Tomahawk Drive, in East Boston. Suffolk. Specifically, Suffolk failed to report a 7/2/14 release of approximately 80 gallons of non-PCB mineral oil dielectric fluid (MODF) at a demolition site at Logan Airport as soon as possible, and within two hours of obtaining knowledge of the release. This represents a violation of Massachusetts General Laws Chapter 21E and the Massachusetts Contingency Plan. Today's Order now requires Suffolk to pay the \$8,630 Penalty within 30 days, and also imposes stipulated penalties of \$1,000 per day for any future violations of the Order.

12/2/14: MassDEP entered into a Consent Order with an \$11,296 Penalty involving Holmed Corporation for Water Pollution Control and Hazardous Waste violations in Easton. Holmed

approached MassDEP regarding an unpermitted industrial wastewater discharge to a title five (septic system) subsurface disposal system. A subsequent inspection revealed minor hazardous waste management violations, in addition to the unpermitted discharge to the groundwater of the Commonwealth. The total penalty is \$11,296.

12/1/14: MassDEP's Environmental Strike Force (ESF) assisted the Office of the Attorney General in the investigation of National Water Main of Canton. The investigation arose out of a whistleblower lawsuit filed in Norfolk Superior Court in 2012. The investigation by ESF found that National Water Main brought materials back to its Canton location that were removed from sewer lines and holding tanks. The material was dumped on the ground and into an illegal underground holding tank that leaked the contents to the ground resulting in a discharge of pollutants to the groundwater. National Water Main also cleaned their trucks and the contents of the trucks at the Canton site, without collecting the wastewater and disposing it at a wastewater treatment facility resulting in other Clean Water Act violations. In addition, by not disposing of the sewage and wastewater properly National Water Main violated the Massachusetts False Claims Act in connection with contracts it held with Waltham, Framingham and the Boston Water and Sewer Commission (BWSC), in the act of billing those entities for work, the company did not perform the proper disposal of the waste. Under the terms of the settlement, NWMC will pay \$405,000 to resolve the allegations it violated the state's False Claims Act and \$250,000 in civil penalties to resolve allegations it violated the Massachusetts Clean Waters Act. As to the latter of these two Penalty amounts, \$75,000 will be paid to the Massachusetts Natural Resource Damages Trust. NWMC will also be required to impose revised protocols concerning proper waste disposal and to provide environmental compliance training for its employees. Investigative and technical assistance on the Clean Waters Act components of the case involved extensive involvement of MassDEP's ESF team members and the MassDEP's Wall Experimental Station in Lawrence.

12/1/14: MassDEP entered into an Amendment to a Consent Order with Orange Water Department for Water Supply violations in Orange. Orange Water Department is required to address its response to multiple detections of total coliform bacteria within its distribution system. Today's Amendment addresses actions it must take if detections occur in the future and notes recent corrective actions taken at one site in its distribution system.

12/1/14: MassDEP entered into a Consent Order with Children First Enterprises, Inc., for Water Supply violations in Granby. Children First Enterprises, Inc. must address repeated incidents of elevated levels of total coliform bacteria above the maximum contaminant level. Today's Order includes response actions should additional incidents occur.

12/1/14: MassDEP entered into an Amendment to an existing Consent Order with a \$26,000 Penalty involving Donald F. Knowles Inc., for Waste Site Cleanup violations at 36 Main Street in Rowley. The respondent requested an extension of the cleanup deadlines in the original Order. MassDEP granted the extension and Donald F. Knowles agreed to pay \$2,000 of the \$26,000. Further, the Amendment requires that a phase four remedial implementation status report for the site be submitted by 2/18/15, and that a temporary or a permanent solution be submitted by 11/5/16.

12/1/14: MassDEP entered into a Consent Order with Bucksteep LLC, for Water Supply violations in Granby. Bucksteep LLC must address repeated incidents of the maximum contaminant level for total coliform bacteria. The public water system also experienced incidents in which e coli was detected, which prompted a boil-water order. Today's includes response actions should additional incidents occur.

12/1/14: MassDEP issued Notices of Noncompliance (NON) to eight (8) entities including retail stores, companies, waste haulers and solid waste facilities - for disposing or transferring for disposal various materials that are banned from solid waste management facilities. Among the waste-ban items are wood, construction debris, cardboard, yard wastes and other recyclable materials. The violators were given 30 days to document the actions they have taken to correct the violations cited in their NONs and to provide status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

November 2014

11/26/14: MassDEP entered into a Consent Order with a \$5,750 Penalty involving Ralph Tella for Waste Site Cleanup violations in New Bedford. Tella is a Licensed Site Professional in Massachusetts. The violations involve Immediate Response Action conducted at a residential fuel oil release in New Bedford. Specifically, Tella injected remedial additives into the groundwater at the site, without MassDEP approval and before the 21 day presumptive approval timeframe had transpired. By doing so, Tella prevented MassDEP from reviewing and commenting on the remedial plan as is prescribed under the regulatory framework of the Massachusetts Contingency Plan. Under today's Order, \$3,000 of the Penalty is to be paid and \$2,750 is suspended.

11/26/14: MassDEP issued a Unilateral Order and \$31,725 Penalty Assessment Notice to Global Specialty Glass for Waste Site Cleanup violations in Fall River. The Order and Penalty was issued due to the failure to comply with regulations pertaining to the required notification, and the activities conducted by the responsible party relative to an Immediate Response Action. In addition, the failure to file tier classification requirements for a potential release from leaking drums. Global Glass did not attend an enforcement conference scheduled for August 2014, nor did Global Glass contact MassDEP at any time.

11/25/14: MassDEP entered into a Consent Order with a \$21,739.50 Penalty involving Coaters, Inc., for Air Quality and Hazardous Waste Management violations in New Bedford. A multi-media inspection of Coaters, Inc., revealed air violations relative to the facility's plan approval and record-keeping requirements. In addition, opacity emissions from air pollution control equipment and hazardous waste violations for container labeling were identified. Finally, there were storage-area requirements, acting as an unlicensed storage facility, employee-training requirements and failure to determine if wastes were hazardous. The facility will pay \$10,870 of the Penalty with the remainder suspended pending compliance with the regulation and with consideration of MassDEP's Small Business Policy.

11/25/14: MassDEP entered into a Consent Order with MacDuffie School to address compliance with the Drinking Water and Wastewater Regulations in Granby. The requirements are

associated with the community public water system and onsite wastewater discharges. Drinking water requirements include adequate sources and/or storage.

11/24/14: MassDEP entered into a Consent Order with a \$29,420 Penalty involving Empire Recycling, LLC, for Solid Waste violations in Billerica. In 2013, MassDEP conducted two inspections of Empire's Billerica recycling facility in response to repeated complaints of improper operating conditions at the facility and to follow-up on compliance with a previous Order executed in 2011. The facility accepts source-separated recyclable paper, cardboard, and mixed recyclable containers for recycling. Empire sorts and removes incidental waste from the recyclables and bundles them prior to shipment off-site. During the inspections, MassDEP observed recyclable material being tipped and stored outside of the facility, as well as the receipt and storage of mixed solid waste, in noncompliance with the regulatory criteria for conditionally-exempt recycling operations. Today's Order requires the facility to pay \$15,000 of the Penalty with the remaining \$14,420 suspended contingent on Empire complying with the requirements of a General Permit for its recycling operation for two years.

11/21/14: MassDEP entered into a Consent Order with an \$8,630 Penalty involving Costello Dismantling Co., Inc. for Waste Site Cleanup violations at 45 King's Highway in West Wareham. Specifically, Costello failed to report a 7/2/14 release to the environment of an estimated 80 gallons of non-PCB mineral oil dielectric fluid (MODF) at Logan Airport as soon as possible, and within two hours after obtaining knowledge of the release, in violation of the Massachusetts Contingency Plan. The company will pay \$4,500 within 30 days, and the remainder suspended contingent on the company's compliance with the terms of today's Order. The Order also imposes stipulated penalties of \$1,000 per day for any future violations.

11/19/14: MassDEP entered into a Consent Order with an \$8,000 Penalty involving the Baystate Medical, Inc. for Air Quality and Hazardous Waste Management violations in Springfield. MassDEP, in the fall of 2013, inspected six of Baystate's Springfield facilities and one Holyoke facility. The inspections revealed that Baystate had not properly characterized its hazardous wastes (pharmaceutical wastes), and offered these wastes to a transporter that was not licensed by MassDEP to transport hazardous wastes. The inspections also found hazardous waste labeling and other housekeeping violations, and a failure to certify three emergency generator engines. Baystate fully cooperated with MassDEP during the investigation and initiated corrective actions to address the noncompliance issues at its facilities immediately. As part of the settlement agreement, Baystate will pay \$5,000 with the additional \$3,000 suspended pending the company's compliance with the terms of the agreement.

11/19/14: MassDEP issued a Unilateral Order to Pine Valley Plantation for Water Supply Emergency in Belchertown. The Declaration of Water Emergency was issued to address Pine Valley Plantation's loss of water from a break in its water main. The Declaration allowed Pine Valley Plantation to use a bulk or bottled water as of 11/18/14 to meet its customer's needs.

11/19/14: MassDEP entered into a Consent Order with Steven Magargal d/b/a Liston's Bar and Grill for Water Supply violations in Worthington. The Order was issued to Liston's Bar and Grill to address repeated incidents of elevated levels total coliform bacteria and the detections of e coli bacteria in the source and a reported significant deficiency (since corrected). Today's Order includes response actions that are necessary if, or should additional incidents occur.

11/18/14: MassDEP was notified that a Final Consent Judgment was approved in Suffolk Superior Court relative to the Shawn and Doug Corporation, d/b/a Removal Specialists. The judgment between the Commonwealth (Attorney General's Office and MassDEP) and Removal Specialists will resolve solid waste and asbestos related violations involving the J. G. Hook fire in Boston in 2008. It also involves hazardous waste violations observed at various sites in Malden and Lynn where Removal Specialists conducted business. The Commonwealth alleged Removal Specialists demolished the Hook building after the fire without proper notifications to the DEP and hauled the asbestos containing debris in uncovered rolloffs to site at Northshore Road in Revere that was not site assigned to accept either solid waste or asbestos containing waste material. MassDEP's inspection of Northshore Road site revealed asbestos material had been dumped on the ground there. MassDEP inspections of Removal Specialists' operational sites in Lynn and Malden revealed additional asbestos related and hazardous waste violations. The terms of final consent judgment include Removal Specialists paying a civil penalty in the amount of \$355,000 with \$300,000 paid and \$55,000 suspended if the company completes the clean-up of the asbestos material at the site in Revere.

11/18/14: MassDEP issued a Unilateral Order to Aquarius Water Company, Inc. for Water Supply violations in Belchertown. Aquarius Water Company is the owner of the community public water system that serves Sportshaven Mobile Home Park in Belchertown. Today's Order was issued due to Aquarius's failure to complete and submit Annual Statistical Reports for the calendar years 2012 and 2013. Today's Order requires submissions of the required reports.

11/17/14: MassDEP entered into a Consent Order with a \$63,725 Penalty involving Suffolk Construction Company, Inc. for Asbestos violations in Boston/Cambridge. MassDEP inspected the respondent's work area at MIT's Chemical Engineering Building-66 at 25 Ames Street in Cambridge. MassDEP personnel determined that asbestos containing material had been improperly removed and disposed from this location. In addition, MassDEP inspected the respondent's site located at 33 Kilmarnock Street in Boston. MassDEP determined that the respondent had failed to file the required notification prior to commencing demolition/renovation activities at this other site. As a result of the violations observed by MassDEP the respondent will pay a \$63,725 penalty, and in addition the respondent will implement a Comprehensive Asbestos Compliance Audit System that requires Suffolk to provide asbestos training to its safety managers and its superintendents that operate at demolition or renovation sites in Massachusetts. Suffolk will also develop and implement standard operating procedures for appropriate staff and will develop a field guide on asbestos management to be used at each demolition and renovation site in Massachusetts. Finally, Suffolk has agreed to hire a third-party auditor to perform quarterly audits of Suffolk's implementation of the SOP and field guide.

11/17/14: MassDEP entered into a Consent Order with a \$9,485 Penalty involving the Town Line Shelf Storage LLC, for Waste Site Cleanup violations in Malden. Robert Decotis is the owner of Town Line shelf Storage, in Malden. Today's Order was related to Town Line Shelf Storage for an overdue Periodic Review Opinion and conducting a Release Abatement Plan without approval. The site has been in the system since 1987. Town Line Shelf Storage will pay \$5,000, with \$4,485 of the penalty suspended. The \$4,485 suspended penalty will come due if Town Line Shelf Storage violates any provision of the Order. This enforcement action will lead to the cleanup of the volatile organic contaminants discovered at Linehurst Road in Malden.

11/14/14: MassDEP issued 11 Notices of Noncompliance to Underground Storage Tank (UST) facility owner/operators for failing to have UST third-party inspections completed by their respective due dates. In addition, MassDEP issued thirty-three (33) \$500 Standard Penalty Assessment Notices to these owner/operators for failing to respond to previous NONs for the same violations. The agency gave the NON recipients 45 days to meet their obligations, while the SPAN recipients were given 21 days to return to compliance and pay their penalties. Those failing to respond will be subject to additional enforcement measures. UST facility owner/operators are required to have their tank systems inspected every three years by MassDEP-approved Third-Party Inspectors (TPIs), hired by the UST owners. TPIs report their findings to the agency. While they provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

11/12/14: MassDEP entered into a Consent Order with Colony Heights Association, the owner of Colony Heights Town House Condominiums for Drinking Water and Water Pollution Control (Title 5) violations in Tyngsborough. Colony Heights is located on Sherburne Avenue in Tyngsborough where it operates a Public Water Supply (PWS) and utilizes on-site septic systems for sewage disposal. One or more of the eight septic systems serving Colony Heights is located within the zone one of the PWS and, as such, triggers the 'failure' criteria under Title 5. In addition, there have been numerous fecal violations of the PWS. Today's Order mandates installation of 4-log pathogen removal at the PWS, requires locus inspections of all septic systems to determine their location relative to the protective zone of the PWS. It also requires upgrades, including relocation, of all septic systems found to be in the zone one of the PWS.

11/7/14: MassDEP entered into a Consent Order with a \$9,000 Penalty involving Thirteen Mooney Street LLC for Waste Site Cleanup violations in Cambridge. The LLC is the owner of the property at Thirteen Mooney Street, Cambridge where specific violations included failure to meet deadlines set out in an earlier Order executed on 11/7/2014. Today's Order now requires a tier two extension (a cleanup permit) to be submitted by 8/26/15 and a permanent or temporary solution statement by 9/1/16. Under today's Order the LLC will also pay \$2,000 of the Penalty with the remaining \$7,000 suspended, but a stipulated penalty provision for any missed deadlines.

11/5/14: MassDEP entered into a Consent Order with Hitchcock Free Academy in Brimfield for Water Supply violations. Hitchcock Free Academy has agreed to address repeated elevated incidents of total coliform bacteria. Today's Order includes response actions should additional incidents occur.

11/4/14: MassDEP entered into a Consent Order with an \$8,000 Penalty involving Arboretum Village, LLC for Wetlands violations in Worcester. Arboretum Village, LLC entered into this settlement after initially appealing a Unilateral Order (issued by MassDEP) that addressed the LLC's violations that occurred on property located at Arboretum Village Estates, off Sarah Drive in Worcester. Upon receipt of a complaint MassDEP inspected the site and observed the discharge of silt-laden runoff to Wetlands and the Blackstone River in Millbury. The damage was due to inadequate erosion and sedimentation controls at a portion of the subdivision that was under construction. MassDEP ordered the owner to stop the discharge of silt and sediment, install erosion control measures to stabilize soils, and retain a wetland specialist to prepare a comprehensive erosion and sedimentation plan. Also, the responsible party was required to

prepare a slope stabilization plan and a wetland restoration plan if needed. The Order was appealed by the LLC. Through today's Order, the LLC and MassDEP have agreed to settle the appeal and the LLC will comply with the requirements of the Unilateral Order and implement the Erosion Control Plan as approved by MassDEP. A portion of the Penalty will be used for a Supplemental Environmental Project (SEP). The SEP will provide funding to Massachusetts Audubon Society for the construction of a Red Maple Swamp Board Walk at the Broad Meadow Brook Audubon Sanctuary in Worcester. Through this action the LLC will ensure that they remain in compliance with the Wetlands Protection Regulations and that this area is protected from additional erosion and sedimentation.

11/4/14: MassDEP entered into a Consent Order with a \$9,420 Penalty involving Veryfine Products, Inc. for Air Quality, Industrial Wastewater, Hazardous Waste Management and Underground Storage Tank violations. The company failed to provide adequate information necessary in its Air Quality control source registration form, and failure to submit its Industrial Wastewater discharge monitoring reports. In addition, it accumulated hazardous waste in excess of its registered status, it failed to properly label its hazardous waste accumulation containers area and it failed to comply with numerous Underground Storage Tank requirements. Today's Order requires the company to maintain compliance with applicable regulations and pay the \$9,420 Penalty. This action will help ensure the company complies with applicable regulations going forward.

October 2014

10/31/14: MassDEP entered into a Consent Order with a \$460 Penalty involving SM Lorusso for Hazardous Waste Management violations in Wrentham. A multi-media inspection revealed the company failed to comply with the required generation limits for their hazardous waste generator status and records showed the Facility generated waste oil in excess of the Very Small Quantity Generator status on a monthly basis. The total penalty is \$460.

10/31/14: MassDEP entered into a Consent Order with a \$31,000 Penalty involving Gator Swansea Partners LLLP stemming from Water Pollution Control violations in Swansea. Gator Swansea Partners LLLP is the owner of the Swansea Crossing Shopping Center commercial plaza. Gator Swansea Partners LLLP is a subsidiary of Gator Investments, a national real estate investment company headquartered in Florida. Today's Order is in connection with Gator Swansea's failure to comply with an earlier Consent Order from July 2013 that required the installation of a new wastewater treatment facility. That facility was to have been completed by 8/1/14. That Order contained a demand for stipulated penalties in the amount of \$31,000 which was issued on 9/3/2014. Today's Order now settles Gator Swansea's appeal of MassDEP's demand for stipulated penalties. Gator Swansea will pay \$25,000 and establishes new deadlines for deliverables with each deadline having an additional \$15,000 stipulated penalty for failure to timely meet that deadline.

10/28/14: MassDEP issued a Demand for a \$60,725 Suspended Penalty to Nealcass Inc. for Asbestos violations. On 4/7/14, MassDEP entered into a Consent Order with Penalty with the respondent. MassDEP had responded to a complaint from the owner of 59 Augustus Road, in Waltham where improper asbestos removal and visible emissions were noted at this residential location. MassDEP observed during an inspection of the Waltham site that asbestos-containing

material had been removed in a dry condition and handled, causing visible emissions which entered the living space of the residence via breaches in the containment. In addition, MassDEP determined that the respondent failed to notify MassDEP of the full scope of the project. MassDEP responded to a complaint alleging that notifications filed by the respondent for work at another location, the Malden Catholic High School, 99 Crystal St., in Malden did not represent all of the respondent's work at said location. MassDEP determined that the respondent failed to notify MassDEP of the full scope of the projects and failed to remove asbestos-contaminated plastic sheeting used during the abatement process from the Malden Site as required by the regulations. In addition, during the investigation MassDEP determined that the respondent failed to pay the required filing fee at multiple other sites. As a result of the violations observed by MassDEP, the respondent was assessed a Penalty of \$112,725 at that time. The respondent will pay \$20,000 and \$92,725.00 will be suspended for a period of three years. Financial ability to pay the penalty was a factor in reaching this agreement. On 8/20/14, MassDEP responded to a complaint of improper asbestos removal at 130 Summer Street in Somerville. During that inspection, MassDEP determined that the respondent failed to properly remove asbestos-containing shingles, failed to seal openings in the asbestos containment, and utilized a HEPA air-cleaning machine without alarms as required by the regulations. In addition, MassDEP determined that the respondent failed to pay as required. As a result of the violations MassDEP issued a Demand to the respondent for payment of \$60,725 of the suspended Penalty.

10/28/14: MassDEP entered into a Consent Order with a \$44,375 Penalty involving the One North of Boston, LLC for Waste Site Cleanup violations in Chelsea. One North of Boston, LLC is the owner of the property at 155 Sixth Street, Chelsea. Specifically, violations were for failure to follow the Massachusetts Contingency Plan during and prior to the construction of the residential property on a site requiring the excavation and movement of contaminated soil. The respondent failed to submit a release abatement measure (RAM) and tier classification (numerical ranking) along with a phase two and three (or assessment and remedial alternatives analysis) prior to, or in conjunction with, the development of this property. The site was not tier classified within one year of reporting as required and soil on the property was relocated without filing a RAM plan as required. Comprehensive response actions were performed at a default site in violation as a result. Today's Order contains a \$44,375 Penalty with \$30,000 paid, and \$14,375 suspended, with a stipulated penalty provision for any missed deadlines.

10/27/14: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Dorchester Bay Economic Development Corp for Waste Site Cleanup violations in (Dorchester) Boston. Dorchester Bay Economic Development Corp. is the owner of the property at 259 Quincy Street in Dorchester where violations identified a failure to meet deadlines set out in a Notice of Noncompliance issued on 3/14/14. Today's Order requires a phase four remedy implantation report by 1/16/15 and permanent or temporary solution statement by 1/26/16. MassDEP has agreed to suspend \$28,000 of the Penalty with a stipulated penalty provision if there are any missed deadlines.

10/27/14: MassDEP issued a Unilateral Order to Bernardston Fire and Water District for Water Supply violations in Bernardston. The Declaration of Water Emergency was issued to address Bernardston's loss of water from its primary source due to apparent pump failure. The Declaration allowed Bernardston to use a currently unapproved source (a replacement source still in the permitting process) and/or emergency interconnections to meet its water needs.

10/25/14: MassDEP entered into a Consent Order with a \$5,000 Penalty involving Malcolm Speicher for Wetlands violations in Warren. Today's Order with Speicher is to address impacts to resource areas resulting from the un-permitted breach of a beaver dam. The \$5,000 Penalty is suspended in part contingent upon the installation of beaver deceivers for area municipalities.

10/24/14: MassDEP entered into an Amendment to a Consent Order with Rowe Camp and Conference Center, Inc. in Rowe. MassDEP concluded an Amendment with Rowe Camp and Conference Center, Inc. to address water quality at the Fromson and Brook House. This public water system is under a Boil Water Order for the distribution system serving the two houses, and the amendment allows for alternate solutions to ensure safe drinking water for the persons using the distribution system for well number three.

10/23/14: MassDEP entered into a Consent Order with Amendment to Southampton Water Department for Water Supply violations in Southampton. Southampton Water Department has agreed to address repeated violations involving elevated maximum contaminant levels for total coliform bacteria. Today's Order includes a schedule for the permit application to be submitted for a disinfection system.

10/22/14: MassDEP entered into a Consent Order with an \$8,335 Penalty involving Getty Properties Corp. for Waste Site Cleanup violations at 825 Washington Street in Stoughton. Today's Order was executed with Getty Properties Corp. for failure to perform an Immediate Response Action to eliminate a Critical Exposure Pathway and for failure to determine the nature and extent of contamination during the phase two (comprehensive site assessment). Getty will pay \$6,610 of the Penalty with the remainder of the penalty (\$1,725) suspended pending compliance.

10/21/14: MassDEP entered into a Consent Order with a \$1,295 Penalty involving Saliga Machine Co., Inc., for Hazardous Waste Management violations in Hudson. The company generated and accumulated hazardous waste in excess of its registered status, failed to clearly delineate its hazardous waste accumulation area and failed to post a "Waste Oil" sign in its waste oil accumulation area as required. Today's Order requires the company to maintain compliance with applicable regulations and pay the \$1,295 Penalty. \$1,031 of that Penalty will be put toward a Supplemental Environmental Project (SEP). That SEP will consist of the purchase of traffic cones and folding plastic barricades for the Hudson Police. This action will help ensure the company complies with applicable regulations going forward.

10/21/14: MassDEP issued a Unilateral Order and a \$26,660 Penalty to Wampanoag Realty for Waste Site Cleanup violations at 69 Allen Street in Fall River. The Wampanoag Realty Company failed to conduct response actions at the respondent's mill property at 69 Allen Street in Fall River. On 4/13/12, MassDEP received notification from the Fall River Fire Department that a threat of release of oil and/or hazardous materials exists at the property. MassDEP conducted an inspection that same day and observed rusted drums in the sub-basement, open buckets of waste oil in the boiler room, globules of oil floating on water in the sub-basement, and layers of oil on the basement floor. During the site inspection, MassDEP approved an Immediate Response Action (IRA) Plan to assess and cleanup the oil in the sub-basement and characterize and dispose of drums and containers from the boiler room and sub-basement. The property

owner has not conducted the response actions required. Additionally, the property owner did not comply with a Notice of Noncompliance of 8/16/12.

10/20/14: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Hampden Gas Mart, Inc., for Underground Storage Tank violations in West Springfield. MassDEP discovered the violations during an unannounced inspection of the station on 2/24/14. The inspection was prompted as a result of the company's failure to respond to a notice of noncompliance issued to them on 10/21/13. During MassDEP's inspection, Hampden was observed again to be in violation of Massachusetts' Underground Storage Tank regulations which included failing to properly maintain their leak-detection system and failing to have at least a Class C operator onsite while the underground storage tanks are in operation. As part of the settlement agreement, Hampden will pay a penalty of \$1,500. MassDEP has agreed to suspend an additional \$1,500 pending the company's compliance with the terms of the agreement.

10/20/14: MassDEP entered into a Consent Order with a \$1,000 Penalty involving 20th Real Estate Properties, Inc., for Underground Storage Tank violations in Springfield. 20th Real Estate Properties, Inc., d/b/a 'Stop N Save' was found to be violating the Commonwealth's UST regulations at the gasoline station located at 172 White Street in Springfield. MassDEP discovered the violation during an unannounced inspection of the site on 2/25/14. The inspection was prompted as a result of the company's failure to respond to a Notice of Noncompliance that was issued to them on 5/16/12. During this inspection, facility was observed again to be in violation including the failure to install sensors to continuously monitor the dispenser sumps. As part of the settlement agreement, 20th Real Estate Properties will pay \$1,000 and install the required equipment to continuously monitor its dispenser sump.

10/19/14: MassDEP entered into a Consent Order with a \$6,004 Penalty involving the Hanover Insurance Group for Air Quality, Underground Storage Tank and Hazardous Waste Management violations in Worcester. The company failed to provide complete records pertaining to the testing and monitoring of air emissions and failed to register its waste oil status and keep manifest records. The company also failed to comply with numerous underground storage tank requirements. The Order requires the company to comply with applicable regulations and pay a \$6,004 Penalty, all of which will be used toward a Supplemental Environmental Project (SEP). The three-phase SEP will begin with an energy audit at the Boys and Girls Club in the city of Worcester's Great Brook Valley public housing complex. The second phase will consist of replacing or retrofitting existing lighting and fixtures, and installing occupancy sensors and reflective window film to reduce cooling costs. The third phase will be a follow-up audit that will compare electricity consumption before and after equipment installation. An education piece is built into all phases stressing to youth members the importance of energy conservation. This SEP is projected to cost between \$7,500 and \$9,000. This action will help ensure the company complies with applicable regulations going forward.

10/16/14: MassDEP entered into a Consent Order with a \$5,750 Penalty involving LS Property Maintenance, Inc. for Water Pollution Control violations in Easthampton. LS Property Maintenance, Inc. discharged waste floor finishing solution to a storm drain at an Easthampton commercial property. On 7/2/14, MassDEP was notified of the discharge of waste floor finishing solution to the storm drainage system at the Rite Aid pharmacy at 32 Union Street in Easthampton. Notification was provided by Overland Supply Company, which had retained LS

Property Maintenance, Inc. as a subcontractor to clean and re-finish floors at the Rite Aid. MassDEP responded to the site and observed the presence of a milky white substance in two storm drains in the parking lot. Information provided to MassDEP indicated that an employee of LS Property Maintenance, Inc. had discharged the waste floor finishing solution into the drains while working at the site overnight. An employee of Rite Aid had observed the discharge that morning while inspecting the site. MassDEP then provided oversight of cleanup activities, including the vacuuming of floor-finishing waste and impacted storm water from the drainage system. MassDEP has agreed to suspend \$4,750 of the Penalty provided that LS Property Maintenance, Inc. completes re-training of employees on appropriate management and disposal wastes generated during cleaning activities.

10/16/14: MassDEP entered into a Consent Order with White Pines Condominiums for Water Supply violations in Stockbridge. The White Pines Condominiums is required to address incidents involving elevated levels of total coliform bacteria that exceeded the maximum contaminant level. Today's Order includes response actions should additional incidents occur.

10/16/14: MassDEP entered into a Consent Order with Helen Baker's Country Store for Water Supply violations in Conway. The respondent is required to address incidents involving elevated levels of total coliform bacteria that exceeded the maximum contaminant level. Today's Order includes response actions should additional incidents occur.

10/16/14: MassDEP entered into a Consent Order with a \$1,500 Penalty involving Arthur G. Rossi d/b/a Rossi's Cleaners for Waste Site Cleanup violations in Oxford. Arthur Rossi failed to notify MassDEP of a release of 1,4-dioxane to groundwater at levels in excess of reportable concentrations at his property in Oxford. Rossi agreed to provide a 72-Hour notification to MassDEP and initiate Immediate Response Actions to address the concentration. Rossi also agreed to pay a \$1,500 Penalty.

10/16/14: MassDEP entered into a Consent Order with a \$44,000 Penalty involving Western Avenue Auto Body of Lynn, Inc. of Lynn. Acting on information mined from the Vehicle Inspection Database (VID), MassDEP - specifically the Environmental Strike Force - investigated and documented the issuance of 22 fraudulent vehicle safety and emission inspection stickers during an eight-day period of time during October and November of 2013. The fraud was committed by substituting another passing vehicle for inspection in order to generate a passing inspection sticker for the vehicles that did not pass inspection. Two licensed inspection and maintenance inspector's, who were employed by the facility, were found to be involved in the issuance of the fraudulent inspection stickers. In addition, hazardous waste management violations were identified during the inspection of this facility. The facility owner with MassDEP for \$33,000 and a Last Chance Agreement with the Massachusetts Registry of Motor Vehicles in which the station's inspection license may be fully suspended or revoked if more fraudulent inspection stickers are issued during the next two-year period.

10/15/14: MassDEP entered into a Consent Order with a \$26,332.50 Penalty involving Cuttyhunk Electric Light Commission for Waste Site Cleanup violations in Gosnold. The company failed to notify MassDEP of a release of oil greater than the reportable quantity (as required) and failed to undertake Immediate Response Action (IRA) without notification (as required). The company also submitted misleading, incomplete or inaccurate statements to

MassDEP. On 8/1/13, MassDEP was informed of an estimated 50 to 100 gallons of diesel fuel release from an onsite portable generator onto the gravel driveway of the Cuttyhunk Power Generating Station on Cemetery Road. The release had occurred sometime around 7/23 or 7/24. Employees of the power station responded to and attempted to remediate the release but failed to notify MassDEP within 2 hours as required. Today's Order requires payment of \$12,736.25 payable with \$13,596.25 suspended, provided that the town of Gosnold does not violate the Order or any regulations cited therein.

10/15/14: MassDEP entered into a Consent Order with M & J Fortier Inc. (and Hill Top Colonial Inn) for Water Supply violations in Plainfield. M & J Fortier, Inc. is the owner and operator of the Hill Top Colonial Inn, a transient non-community public water system. The respondent is required to address multiple instances of elevated levels of total coliform bacteria in its public water system. Today's Order requires certain response actions should another incident occur within twelve months. In addition, today's Order addresses outstanding issues related to Public Notice and required completion of an emergency response checklist.

10/14/14: MassDEP entered into a Consent Order with a \$13,500 Penalty involving Staples, Inc. for Wetlands Protection Act violations in Framingham. MassDEP found the violations at 225 Crossing Boulevard in Framingham. In 2006 Staples received an Enforcement Order from the Framingham Conservation Commission for unpermitted dumping of snow containing salt and sand into a wetland. Subsequently Staples received an Order of Conditions (OOC) for the location, preparation and operation of a snow dumping area on the property. That OOC however contained certain conditions that no snow-dumping activity would take place within 30 feet of the bordering vegetated wetland (BVW). Staples received a certificate of compliance for this OOC in 2008. Recently, in response to a complaint, MassDEP inspected the property in June of 2014 and found a large amount of sediment laden snow being stockpiled in approximately 20,000 square feet of the buffer zone adjacent to a BVW with sediment traveling into the BVW resulting in an alteration of approximately 1,500 square feet of the BVW. Today's Order now requires sediment removal and restoration of BVW and buffer zone, two years of monitoring, and, operations to be conducted in compliance with the snow management plan as had previously been conditioned in the OOC. The company will pay \$7,500 of the Penalty with the remaining \$6,000 suspended in two years if the company remains in compliance.

10/10/14: MassDEP entered into a Consent Order with a \$16,137.50 Penalty involving Environmental Compliance Specialists for Asbestos violations in Upton. MassDEP entered into today's Consent Order with this company, which is a Massachusetts Department of Labor Standards-licensed contractor. The respondent will resolve violations of asbestos regulations that occurred during the removal of asbestos-containing transite siding at a residential property in Upton. MassDEP found numerous pieces of dry, uncontained, asbestos-containing transite siding material that was lying around the ground at the site. The respondent will pay \$8,500 of the Penalty and MassDEP has agreed to suspend the balance for one year provided there are no further violations.

10/9/14: MassDEP entered into a Consent Order with a \$23,667 Penalty involving, Cavossa Disposal Corporation for Waste Site Cleanup violations in Hyannis. Cavossa failed to notify MassDEP of a release of oil greater than the reportable quantity (as required) and failing to undertake an Immediate Response Action (IRA) without approval (as required). Cavossa also

failed to properly manage remediation waste. On 8/8/13, an estimated 25 gallons of hydraulic oil was released from a trash truck, impacting several streets and parking lots in downtown Hyannis. Cavossa Disposal Corporation responded to and attempted to remediate the release but failed to notify MassDEP within two hours as required by the regulations. The Order requires payment of \$8,335 payable with \$15,332 suspended, provided that Cavossa Disposal Corporation does not violate the Order or any regulations cited therein.

10/9/14: MassDEP entered into a Consent Order with a \$23,667 Penalty involving Cavossa Disposal Corporation for Waste Site Cleanup violations in Hyannis. The company failed to notify a release of oil greater than the reportable quantity, and undertake an Immediate Response Action (IRA) without approval. The company failed to properly manage remediation waste. On 7/8/13 an estimated 25 gallons of hydraulic oil was released from a trash truck, impacting several streets and parking lots in downtown Hyannis. Cavossa Disposal Corporation responded to and attempted to remediate this release but failed to notify MassDEP within two hours as required. Today's Order requires payment of \$8,335 and the remaining \$15,332 suspended, provided Cavossa Disposal Corporation does not violate the Order or any regulations cited therein.

10/6/14: MassDEP entered into a Consent Order with a \$30,000 Penalty involving JPR Realty Inc. for Waste Site Cleanup violations at 3 Plank Street in Billerica. JPR Realty Inc. is the owner of the property at 3 Plank Street, Billerica. Specifically, violations were for failure to meet deadlines set out in an Order executed on 12/10/12. Today's Order requires a tier two permit (for the cleanup) extension to be submitted by 11/15/15 and a reach a permanent or temporary solution and submitted documentation in support of same by 8/1/17. JPR will pay \$2,000 and MassDEP has agreed to suspend \$28,000 of the Penalty with a stipulated penalty provision for any missed deadlines.

10/3/14: MassDEP entered into a Consent Order with \$52,010 involving 500 Atlantic Avenue Primary Condominium Association, Inc. for Wetlands violations. 500 Atlantic Avenue Primary Condominium Association, Inc. is the responsible for the violations of Massachusetts General Laws, Chapter 91 including non-compliance with multiple conditions of its Waterways license # 9825. The respondent, located at the InterContinental Boston hotel and Residences at the InterContinental was issued in June 2013 a Notice of Noncompliance (NON) for the violations with deadlines to come into compliance. The violator failed to comply with any of the provisions of the Notice. MassDEP then conducted follow up and investigation on the continuing noncompliance. Violations confirmed by MassDEP included failure to post proper (public access) signage with operating hours, failure to provide public facilities during required times, failure to submit a water transportation terminal management plan, failure to submit a management plan for public facilities, failure to pay required water transportation subsidies, and failure to request a certificate of compliance and submit certificates of occupancy. Today's Order contains deadlines to come into compliance with each outstanding provision and establishment of an escrow account to hold the required balance of water transportation subsidies of approximately \$242,455. MassDEP has agreed to fully suspend the Penalty in two years after execution of the Order if respondent is in full compliance.

10/3/14: MassDEP entered into a Consent Order with Hometown Oakhill LLC for Groundwater Discharge violations in Attleboro. Today's Order is with the owner of a mobile home park that is served by multiple sanitary sewer discharge systems. These systems have a total flow at the

property that exceeds 10,000 gallons per day. Respondent recently received a new Groundwater Discharge Permit (that utilizes a nutrient loading approach) authorizing the discharge of effluent via use of combination of an approved innovative/alternative approach, in addition to conventional systems. The ACO establishes timeframes for completion of construction of these various systems.

10/1/14: MassDEP issued Notices of Noncompliance to facility owner and operators of Underground Storage Tanks (UST). These owner/operators failed to have their UST third-party inspections (TPIs) completed by the respective due dates through September 2014. MassDEP had given these offenders 45 days to return to compliance. MassDEP also issued standard penalty assessment notices (SPANs) to 16 UST facility owner/operators for failing to respond to previous NONs for failing to have TPIs completed by their due date. The agency gave these violators 21 days to pay and required them to return to compliance. Both groups of violators will be subject to additional enforcement measures, including financial penalties, if they fail to respond. UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. MassDEP also issued Standard Penalty Assessment Notices (SPANs) to another ten UST facility owner/operators for failing to respond to their initial NONs. More information: [UST-TPI http://www.mass.gov/eea/agencies/massdep/toxics/ust/third-partyustinspectionprogram.html](http://www.mass.gov/eea/agencies/massdep/toxics/ust/third-partyustinspectionprogram.html)

10/1/14: MassDEP entered into a Consent Order with a \$30,000 Penalty involving 320-330 Middlesex Avenue LLC, for Waste Site Cleanup violations in Medford. The respondent failed to comply with a Notice of Noncompliance that MassDEP had issued. That Notice had specifically required the respondent submit a phase one assessment and a tier classification permit - a ranking showing the extent of contamination and cleanup required - within 90 days. Today's Order now requires that unless a downgradient property status is submitted showing the respondent is not responsible for the contamination (if applicable), then a permanent or temporary solution which meets the requirements is necessary. Respondent shall submit to MassDEP an assessment and a permit which meet the requirements for the site by 2/15/15. The respondent will pay \$2,500 with \$27,500 of the Penalty suspended. The suspended penalty will come due if 320 -330 Middlesex Avenue LLC violates any provision of the Order.

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9/30/14: MassDEP in partnership with the Massachusetts Registry of Motor Vehicles conducted investigation resulting in the indictment: Commonwealth v. Sostre, et al. in Suffolk Superior Court. This investigation began under the MassDEP's Environmental Strike Force's longstanding counterfeit vehicle emission sticker initiative. This initiative is conducted in partnership with RMV and recently, Jose and Tommy Sostre of Boston were indicted on charges including counterfeiting motor vehicle inspection stickers, and uttering counterfeit motor vehicle inspection stickers. In addition, the charges include conspiracy to counterfeit motor vehicle inspection stickers, conspiracy to utter as true counterfeit inspection stickers, and non-environmental violations. The case developed also with the Environmental Police. The investigation revealed that defendants apparently created a large number of counterfeit

inspection stickers by using official inspection sticker stock on to which they cut and pasted various pieces of fraudulent information. They then allegedly affixed those "passing" counterfeit stickers on to numerous vehicles that did not pass safety or emissions inspections, or on to vehicles that weren't inspected at all. Investigation also revealed that Jose and Tommy Sostre charged customers more for these counterfeit passing inspection stickers. The next step is arraignment, which will be scheduled by the court. To date, the phony-sticker initiative has resulted in over 90 enforcement cases. Depending on the underlying facts and the scope of the fraud, these cases have been prosecuted administratively (by MassDEP or RMV) or civilly, or criminally.

9/29/14: MassDEP entered into a Consent Order with a \$9,630 Penalty involving Fitchburg Redevelopment Authority for violations of an Activity and Use Limitation (AUL) at 166 Boulder Drive in Fitchburg. The AUL, which under Waste Site Cleanup regulations was recorded in the registry of deeds for this site in October 1999. The AUL requires that asphalt, pavements, and other protective cover be maintained. During an audit site inspection, MassDEP observed areas of broken concrete and asphalt, with surface soil exposed. The exposed soil is not located in an area of residual contamination. Under today's Order, MassDEP applied the municipal policy agreement, meaning the Penalty of \$9,630 will be suspended provided all the terms of the Order are met. Those terms include the need to repair the protective cover and that there shall be no additional violations for a one year period. The FRA will implement a new AUL to better identify the areas of contamination and need for the AUL.

9/28/14: MassDEP issued \$500 Penalty Assessment Notices to 22 Under Storage Tank (UST) facility owners/operators. These facility owners/operators failed to respond to notices of noncompliance (NONs) that they were issued previously for not having UST inspections completed by specific due dates. UST facility owner/operators are required to have their tank systems inspected every three years by MassDEP-approved Third-Party Inspectors (TPIs). These inspectors are hired by facility owner/operators and report their findings to the agency. More information: [UST/TPI](#)

9/26/14: MassDEP entered into a Consent Order with a \$6,750 Penalty involving Trade Winds Development-A, Inc. for Wetlands violations in Barnstable. Trade Winds Development-A, Inc. is the owner of property located in Barnstable bordering Lake Elizabeth. A superseding order of conditions was issued in November 2011 authorizing work within and adjacent to wetland resource areas. The work that occurred violated several special conditions intended to minimize and/or avoid impacts to resource areas. Respondent has an approved restoration plan and will complete the actions required by the plan and submit annual reports documenting the relative success of the restoration. In addition the respondent will pay the \$6,750 Penalty.

9/26/14: MassDEP executed a Consent Order with Jamaheja for Wetlands violations in Southbridge. Jamaheja, Inc. has agreed to address damage caused by violations of the Wetlands Protection Act at Hunters Ridge Estates located off Ashland Avenue in Southbridge. MassDEP inspections identified discharge of sediment-laden stormwater causing alteration of resource areas, such as bordering vegetative wetlands (BVW) and a perennial stream. The stormwater runoff resulted in soil erosion from undeveloped portions of the subdivision and slope failure at a property on Red Fox Boulevard. The Southbridge conservation commission issued an enforcement order to the owner regarding this problem and MassDEP issued an Order requiring

that it install erosion control measures to stabilize soils and clean sediment from stormwater management structures at the site. Under today's Order, the owner has agreed to implement a restoration plan approved by MassDEP, reconstruct the failed slope, prevent any further violations at the subdivision, and submit a report documenting the restoration activities. Through this action approximately 1,000 square feet of BVW, 50 linear feet of stream bank, and 1,000 square feet of land under water bodies will be restored and protected.

9/26/14: MassDEP executed a Consent Order with a \$4,315 Penalty involving Massachusetts Department of Transportation for Waste Site Cleanup violations in Millbury. MassDOT has property acquired in Millbury where a proposed off-ramp from Route 146 is slated. MassDOT took ownership of this property and became obligated to notify MassDEP of any oil-contamination within 120 days. MassDEP received notification of the release, but only 95 days after the deadline. However, MassDOT has taken steps to immediately correct this late notification. The penalty of \$4,315 will be suspended pending MassDEP provision of training to all DOT staff involved in property acquisition regarding any future MassDEP's release notification requirements.

9/25/14: MassDEP entered into a Consent Order with the town of Somerset Water Department. MassDEP's Drinking Water Program finalized today's Order with the town of Somerset Water Department for exceeding a running annual average for trihalomethanes (THM's) during the third quarter of 2014. THM's are disinfection byproducts formed when certain disinfectants, chlorine in this case, react with organic matter. The town has taken actions to reduce THM's in their water. Today's Order now requires the town to conduct an engineering study and formulate options to prevent future elevated THM levels.

9/24/14: MassDEP entered into a Consent Order with a \$4,340 Penalty involving Mustang Motorcycle Products, LLC, for Air Quality and Hazardous Waste Management violations in Palmer. Under today's Order, the company has agreed to address violations at its Palmer facility that manufactures motorcycle seats. In reviewing a response to a Notice of Noncompliance, MassDEP discovered that the facility had installed and operated a spray booth without prior approval. During a subsequent inspection of the facility, several other violations were observed, including failure to maintain solvent consumption records for a parts washer, failure to conduct weekly inspections of hazardous waste accumulation areas, failure to properly label containers of hazardous waste and failure to maintain adequate hazardous waste recycling records. As part of the settlement agreement, Mustang will pay \$2,340 and MassDEP will suspend the additional \$2,000 pending Mustang's compliance with the terms of the agreement.

9/24/14: MassDEP issued a Unilateral Boil Water Order to Laurel Ridge Camping Area, Inc. for Water Supply violations in Otis. Laurel Ridge Camping Area, Inc. is the owner and operator of Laurel Ridge Campground. Today's Order was issued in response to the detections of both total coliform and e.coli within its public water system. The Order requires public notice, use of boiled or bottled water for human consumption, discarding of products made prior to issuance of the Order with the tap water, emergency response plan implementation, emergency reports, investigation, corrective actions and subsequent sampling.

9/22/14: MassDEP entered into a Consent Order with Dairy Mart in Springfield for Waste Site Cleanup violations. Today's Order was taken to address violations related to a gasoline release at

20 East Street in Springfield. Fauzia Rafiq and Lubna Ahmad, owners of the property, have failed to meet the requirements in regulations, including conducting assessment and cleanup of the release. The order sets deadlines for assessment and cleanup actions as well as outlining requirements to apply for 'financial inability' if necessary.

9/22/14: MassDEP entered into a Consent Order with a \$4,300 Penalty involving Callender Street LLC for Waste Site Cleanup violations at 7-15 Callendar Street in Dorchester (Boston). The LLC is the owner of the property at 7-15 Callender Street in Dorchester, where violations were for failure to meet deadlines set out in Notice of Noncompliance dated 5/22/14. Today's Order requires the following: a phase two report which meets the requirements regulations by 7/1/16 and, if applicable, a phase three report for the site which meets the requirements by 7/1/16; a phase four report for the site which meets the requirements by 7/1/16; or a permanent or temporary solution statement or a remedy operation status submittal by 7/1/18. The ACOP requires the payment of a \$4,300 penalty with \$3,650 suspended and \$650 paid.

9/22/14: MassDEP entered into a Consent Order with a \$2,910 Penalty involving T&K Asphalt Services, Inc. for Hazardous Waste violations in Whitman. T&K Asphalt Services, Inc. was found during a multi-media inspection by MassDEP, to be acting out of status as a small quantity generator of hazardous waste, exceeding its very small quantity generation amounts. Other violations included hazardous waste record-keeping, and labeling. Today's Order ensures compliance with the Hazardous Waste requirements.

9/19/14: MassDEP worked with the Massachusetts Attorney General's Office, which filed a Complaint for Contempt regarding New Ventures Associates LLC in Newburyport. The case was brought against New Ventures Associates, LLC with respect to the Crow Lane Landfill in Newburyport. The Complaint was in reference to New Ventures failure to comply with its obligations under the Superior's Court Final Judgment, which was issued in April 2009 in Suffolk Superior Court. The Complaint asks the Court to find New Ventures in contempt for: failing to operate, monitor, maintain, and repair the enclosed flare and landfill gas-control system; failing to repair and seal breaches in the landfill's cap; and, failing to submit a Landfill Closure Completion application that meets the requirements of the Final Judgment. A hearing is scheduled before the Court later.

9/18/14: MassDEP entered into a Consent Order with a \$20,875 Penalty involving Wells Fargo Bank, N.A. for Wetlands violations at 35 Beech Street in Tewksbury. The violations were originally discovered on the property, which was at that time owned by James M. Killion, in May of 2006. The violations included alteration of 2,500 square feet of bordering vegetated wetland plus alteration of bordering land subject to flooding and riverfront area of the Shawsheen River. After subsequent issuance of a Unilateral Order and Penalty by MassDEP (both of which were appealed), Killion entered a settlement agreement with MassDEP. In that agreement, the penalty was completely suspended due to financial hardship but did require restoration of all wetland resource areas. Killion never performed any restoration and the property was taken through foreclosure. Today's Order with the representative of the bank currently owning the property contains essentially the same requirement for full restoration of all wetland resource areas with long-term monitoring pursuant to a plan already approved by

MassDEP. Wells Fargo will pay \$15,000 of the Penalty and \$5,875 will be suspended upon issuance of a return to compliance letter.

9/17/14: MassDEP entered into a Consent Order with a \$696 Penalty involving Pan Am Southern, Deerfield LLC for Drinking Water violations. Today's Order is to address repeated violations of Mass Drinking Water Regulations, specifically this community public water system's failure to issue its consumer confidence report (CCR) as required. The 2012 report and certification were not issued on time, but were issued subsequently. The 2013 report and certification were not issued, and today's Order requires they be issued. MassDEP issued a penalty of \$696 dollars, with the entire amount suspended pending compliance with the requirements.

9/17/14: MassDEP entered into a Consent Order with Whately Water District for Water Supply violations in Whately. The Whately Water District is required to address multiple instances of excess levels of total coliform within its distribution system. The Order includes the requirement to continue operating its mechanical disinfection system as a permanent installation and to complete permitting for that system.

9/17/14: MassDEP entered into a Consent Order with a \$4,230 Penalty involving Triple Play Mobil & Triple Play Car Wash LLC for Underground Storage Tank and Air Quality violations in Attleboro. An inspection revealed the company failed to comply with operational, recordkeeping and equipment requirements applicable to their facility. The total penalty is \$4,230.

9/17/14: MassDEP issued a Unilateral Order and \$30,860 Penalty Assessment Notice to Iron Horse Enterprises, Inc. for Waste Site Cleanup violations in Freetown. Iron Horse is the owner of a property at which a release of oil and/or hazardous material occurred. Iron Horse has failed to conduct response actions to address this release. On 6/19/13, MassDEP issued Iron Horse a Notice of Noncompliance. Iron Horse did not comply with the NON. Today's Order requires Iron Horse to initiate cleanup response actions at the site and respond to the issues raised in the Notice of Noncompliance.

9/15/14: MassDEP issued a Unilateral Order to 7A Foods Drinking Water violations in West Tisbury. MassDEP's Drinking Water Program issued the Order to 7A Foods regarding its failure to obtain a certified operator, repeated failure to submit annual statistical reports and failure to comply with the MassDEP's 12/31/13 Notice of Noncompliance. Today's Order requires that 7A Foods submit the 2012 Annual Statistical Report, submit the 2013 Annual Statistical Report, and hire a certified operator.

9/15/14: MassDEP issued a Unilateral Order to Bishops Landing Condominiums for Drinking Water violations in Stoughton. MassDEP's Drinking Water Program issued the Order to Bishops Landing Condominiums regarding its failure to submit their cross connection control plan and failure to comply with the Department's 12/31/13 Notice of Noncompliance. The Order requires that Bishops Landing Condominiums submit the cross connection control plan.

9/15/14: MassDEP issued a Unilateral Order to Copperwood I Condominiums in Stoughton for Drinking Water violations. The Order was issued to Copperwood I Condominiums regarding its failure to submit their cross connection control plan and failure to comply with the MassDEP's

12/31/13 Notice of Noncompliance and the 8/23/12 Notice of Noncompliance. Today's Order now requires that Copperwood I Condominiums submit the cross connection control plan.

9/15/14: MassDEP issued a Unilateral Order to Indian Hills Plaza in, Rehoboth for Drinking Water violations. The Order was issued to Indian Hills Plaza regarding its failure to obtain a certified operator, failure to submit Annual Statistical Report and failure to comply with MassDEP's 7/2/13 Notice of Noncompliance. Today's Order requires that Indian Hills Plaza submit the 2013 Annual Statistical Report and hire a certified operator.

9/15/14: MassDEP issued a Unilateral Order to Sacred Heart Early Childhood Center, at 251 Bishops Highway in Kingston. The Order was issued to Sacred Heart Early Childhood Center regarding its repeated failure to submit Annual Statistical Reports and failure to comply with the MassDEP's 12/31/13 Notice of Noncompliance. The Order requires that Sacred Heart Early Childhood Center submit the 2012 Annual Statistical Report and the 2013 Annual Statistical Report.

9/15/14: MassDEP issued a Unilateral Order to Sacred Heart Elementary School at 329 Bishops Highway in Kingston. The Order was issued to Sacred Heart Elementary School regarding its repeated failure to submit Annual Statistical Reports and failure to comply with MassDEP's 12/31/13 Notice of Noncompliance. The Order now requires that Sacred Heart Elementary School submit the 2012 Annual Statistical Report and the 2013 Annual Statistical Report.

9/15/14: MassDEP issued a Unilateral Order to Aquinnah Restaurant in Aquinnah. The Order was issued to Aquinnah Restaurant regarding its failure to obtain a certified operator, repeated failure to submit Annual Statistical Reports and failure to comply with MassDEP's 9/24/13 and 12/31/13 Notices of Noncompliance. Today's Order now requires that Aquinnah Restaurant submit the 2012 Annual Statistical Report, submit the 2013 Annual Statistical Report, and hire a certified operator.

9/15/14: MassDEP issued a Unilateral Order to Beach Plum Inn in Aquinnah. The Order was issued to Beach Plum Inn regarding its failure to obtain a certified operator, repeated failure to submit Annual Statistical Reports and failure to comply with MassDEP's 12/31/13 Notice of Noncompliance. Today's Order now requires that Beach Plum Inn submit the 2012 Annual Statistical Report, submit the 2013 Annual Statistical Report, and hire a certified operator.

9/15/14: MassDEP issued a Unilateral Order to Menemsha Inn in Chilmark. The Order was issued to Menemsha Inn regarding its failure to obtain a certified operator, repeated failure to submit Annual Statistical Reports and failure to comply with MassDEP's 12/31/13 Notice of Noncompliance. Today's Order now requires that Menemsha Inn submit the 2012 Annual Statistical Report, submit the 2013 Annual Statistical Report, and hire a certified operator.

9/15/14: MassDEP issued a Unilateral Order to Dandy Donuts in Carver The Order was issued to Dandy Donuts regarding its repeated failure to submit Annual Statistical Reports and failure to comply with MassDEP's 12/31/13 Notice of Noncompliance. Today's Order now requires that Dandy Donuts submit the 2012 Annual Statistical Report and the 2013 Annual Statistical Report.

9/15/14: MassDEP issued a Unilateral Order to Pine Wood Way Camping Area in Carver. The Order was issued to Pine Wood Way Camping Area, Inc. regarding its failure to obtain a

certified operator and failure to comply with MassDEP's 12/31/13 Notice of Noncompliance. Today's Order now requires that Pine Wood Way Camping Area, Inc. hire a certified operator.

9/15/14: MassDEP entered into a Consent Order with a \$6,621 Penalty involving SeraCare Life Science, Inc. for Hazardous Waste Management violations in Milford. SeraCare Life Sciences, Inc. of Milford was found to be violating Hazardous Waste Management regulations by storing hazardous waste in excess of its registered status, failed to properly label hazardous waste containers, failed to delineate its hazardous waste accumulation area and failed to keep a record of inspections conducted on its hazardous waste accumulation area. Today's Order requires the company to comply with applicable regulations. Under today's Order, \$4,454 of the Penalty will be put toward a Supplemental Environmental Project (SEP), specifically, the purchase of gas-detection meters for the City of Milford Fire Department. This action will help ensure the company complies with applicable regulations going forward.

9/15/14: MassDEP entered into a Consent Order with a \$2,432 Penalty involving Anver Corporation for Hazardous Waste Management violations in Hudson. The company generated hazardous waste in excess of its registered status and failed to clearly delineate its hazardous waste accumulation area. Under today's Order, the company is required to comply with applicable regulations and pay a \$2,432 Penalty. As a result of this action, the company has looked for ways to lessen the amount of hazardous waste it generates. This action will help ensure the company complies with applicable regulations going forward.

9/15/14: MassDEP entered into a Consent Order with payment of a previously suspended Penalty involving Safdie Architects LLC for Waste Site Cleanup violations in Somerville. The violations involve the management, excavation, handling, and disposal of metals-contaminated historic fill associated with the construction/redevelopment of the property at 100 Properzi Way in Somerville. This Order requires a release abatement measure status report by 11/14/14, a phase three report by 1/15/15 a phase four report by 3/31/15 and a permanent or temporary solution statement by 8/1/15. Today's Amended Order requires the payment of \$1,500 of the \$28,000 Penalty that previously had been suspended in the original Order.

9/12/14: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Gerard E. Roy for Wetlands violations in Charlton. Gerard E. Roy is required to address damage caused by violations of the Wetlands Protection Act on lot number two at Smith Road in Charlton. Roy removed trees and stumps, grubbed, graded, and filled Bordering Vegetative Wetlands along a right-of-way to his property. Roy had not obtained a permit from the Charlton Conservation Commission authorizing these activities. MassDEP issued a Unilateral Order requiring Roy to cease work within the wetland resource area, hire a wetlands specialist, and submit a plan for restoration of the impacted areas. Roy has complied with the order. Under today's Order, Roy has agreed to comply with the approved restoration plan and monitor the results. Roy will also file with the Charlton Conservation Commission before beginning any work on the right-of-way. Through this action approximately 10,600 square feet of BVW will be restored. A Penalty of \$3,000 has been assessed for the violations.

9/12/14: MassDEP entered into a Consent Order with an \$8,700 Penalty involving James and Dorothy Kibbie for Wetlands violations in Hampden. Today's Order requires the Kibbies to

address the alteration of approximately 45,000 square feet of riverfront area at the Kibbie's home, where vegetation had been improperly cleared and gravel removed. The Order requires the Kibbies to restore the Riverfront Area. The full Penalty in the amount of \$8,700 will be suspended provided the restoration is completed.

9/12/14: MassDEP issued a Unilateral Order to Butternut Basin Inc. for Water Supply violations in Great Barrington. Butternut Basin, Inc. is required to address the occurrence of e coli and total coliform detections in its distribution system served by one of its public water supply wells (Well Number Two). The Order requires public notice, use of boiled or bottled water for human consumption, discarding of products made with tap water prior to initial detects, emergency response plan implementation, emergency reports, investigation, corrective actions and subsequent sampling.

9/11/14: MassDEP issued a Unilateral Boil Water Order to Unitarian Universalist's Rowe Camp & Conference Center, Inc. in Rowe. The Order was issued requiring the Camp/Center to address e coli and total coliform detections in its source and distribution system served by one of its wells (Number 3). The Order requires public notice, use of boiled or bottled water for human consumption, discarding of products made with tap water prior to initial detects, emergency response plan implementation, emergency reports, investigation, corrective actions and subsequent sampling.

9/9/14: MassDEP entered into a Consent Order F.M. Kuzmeskus, Inc. for Water Supply violations in Gill. F.M. Kuzmeskus is required to address multiple instances of excess levels for total coliform within its distribution system. The Order includes required actions should multiple detections occur within the next twelve months including installation of disinfection.

9/9/14: MassDEP entered into a Consent Order with James Pedro d/b/a Whitcomb Summit Motel for Water Supply violations in Florida (MA). Pedro [Whitcomb Summit Motel] is required to address multiple instances of excess levels for total coliform within its distribution system. The Order includes the requirement to install a mechanical disinfection system, obtaining a permit for that system, and the requisite public notice.

9/9/14: MassDEP entered into a Consent Order with a \$7,000 Penalty involving Chanty, Inc. for Underground Storage Tank violations at 156 Main Street in Essex. Chanty, Inc. which is d/b/a Richdale Store, was randomly chosen by the MassDEP for an inspection on 8/14/13 and issued a Notice of Violation letter on 8/29/13 for vapor-recovery violations, followed by a Notice of Noncompliance for underground storage tank and vapor recovery violations on 10/29/13. After not receiving a response to the Notice of Noncompliance, MassDEP conducted a follow-up inspection on 5/21/14 for the aforementioned Notice of Noncompliance. The inspection showed the station was in continued noncompliance with regulations. Today's Order now requires Chanty, Inc. to pay a \$7,000 Penalty and requires Chanty, Inc. to ensure that all future activities it undertakes related to fuel dispensing and underground storage of petroleum products be performed in compliance with any and all applicable regulations.

9/9/14: MassDEP entered into a Consent Order with a \$12,000 Penalty involving Ryder Truck Rental, Inc. for Waste Site Cleanup violations at 220 Tapley Street in Springfield. Ryder failed to notify MassDEP of a release of waste oil at its facility at 220 Tapley Street in Springfield. Ryder

was also failed to implement an immediate response action to address the release. On 3/10/14, MassDEP received an anonymous notification that a release of an unknown amount of waste oil had occurred at the site. MassDEP inspected the site at approximately 12:15 PM on that date and observed that a release of waste oil, likely exceeding the reportable quantity of 10 gallons, was present in the vicinity of an above-ground waste oil storage tank at the site. Absorbent materials had been applied to the spill. MassDEP interviewed Ryder's service manager for the facility, and determined that the release had occurred on 3/7/14. In order to resolve the violation, Ryder agreed to re-train its Massachusetts employees on proper notification of, and response to, releases of oil and hazardous materials. Ryder will also pay the \$12,000 Penalty.

9/5/14: MassDEP entered into a Consent Order with John Leite for Waste Site Cleanup violations at Auto Salvage Yard in Oak Bluffs. MassDEP entered into the Order with John Leite of Oak Bluffs. Leite is the owner of an auto salvage yard along County Road in Oak Bluffs, from which there has been a release of oil. In June 2012, MassDEP issued Leite a NON for having failed to complete the response actions that are called forth in the Waste Site Cleanup violations in a timely manner. Leite requested additional time in which to comply with the NON. Today's Order establishes negotiated timelines for completion of work at the site and contains stipulated penalties should Leite fail to comply.

9/5/14: MassDEP entered into a Consent Order with a \$5,750 Penalty involving Home Properties Marshfield LP for Groundwater Discharge violations in Marshfield. Home Properties Marshfield LP is a foreign limited partnership that owns the Village at Marshfield, a 278 unit apartment complex. Today's Order addresses groundwater discharge permit noncompliance as a result of elevated levels of total suspended solids, turbidity, fecal coliform and total nitrogen parameters at the complex's wastewater treatment facility. Today's Order requires Home Properties Marshfield LP to engage an engineer to prepare an evaluation report and plan and to implement the plan according to schedule.

9/4/14: MassDEP entered into a Consent Order with a \$103,425 Penalty involving National Waste Clean, Inc. for Hazardous Waste Transporter violations. In a matter brought to the attention of the Environmental Strike Force, an enforcement action was brought against National Waste Clean, Inc. of South Plainfield, NJ. National Waste Clean is a New Jersey-based hazardous waste hauler serving dry cleaning facilities throughout the northeastern states and is a licensed Massachusetts hazardous waste hauler. National Waste Clean serves over 200 dry cleaning facilities in Massachusetts. It was determined that National Waste Clean did not use a hazardous waste manifest for the shipments of perchloroethylene and petroleum based dry cleaning waste collected on over 300 occasions in Massachusetts. In addition, National Waste collected dry cleaning hazardous waste from unregistered hazardous waste generators in Massachusetts on over 200 occasions. The company was also chronically behind in filing EMORs (Electronic Monthly Operating Reports) for a 17-month period. Violations occurred over a 17 month period of time, from December 2013 through April 2014, since becoming licensed in Massachusetts to transport hazardous waste. This matter was settled with the requires that National Waste Clean will begin using the standard national hazardous waste manifest form immediately for all hazardous waste shipments in Massachusetts and implement a plan to train its employees in using the manifest. They will also ensure its customers are registered properly with the Department as generators of hazardous waste, and maintain records necessary for timely EMORs submittals to the Department. National Waste Clean will pay \$50,000 of a \$103,425

Penalty with \$53,425 suspended for a two-year period of time pending no further non-compliance.

9/3/14: MassDEP issued a Demand for \$31,000 in a previously Stipulated Penalty involving Gator Swansea Partners LLLP. The facility in question is the Swansea Crossing Shopping Center in Swansea. A Stipulated Penalty Demand Notice was issued to Swansea Crossing Shopping Center at 207 Swansea Mall Drive for the LLLP's failure to comply with the deadlines and/or requirements set forth in Consent Order issued on 7/24/13. MassDEP calculated stipulated penalties in the amount of \$31,000 because the LLLP was required to complete construction of a treatment works facility at the above property and has failed to do so in accordance with the groundwater discharge regulations.

9/2/14: MassDEP issued a Boil Water Order to the Massachusetts Department of Conservation and Recreation for a recreational facility in Tolland. DCR is the owner and operator of the Tolland State Forest Campground. The Order was issued in response to the detections of both total coliform and e coli within the facility's drinking water well number three in this a public water system. Today's Order was limited to that well and specifically serves Comfort Station number four, the only facility served by the well. The Order requires public notice, use of boiled or bottled water for human consumption, discarding of products made prior to issuance of the Order with the tap water, emergency response plan implementation, emergency reports, investigation, corrective actions and subsequent sampling.

August 2014

8/29/14: MassDEP issued a Unilateral Boil-Water Order to Sherwood Forest Campground, Inc. for this public water system in Hinsdale. The company is the owner and operator of Sherwood Forest Campground. Today's order was necessary relative to well one, and its distribution system in response to the detections of both total coliform and e coli within its public water system. The Order requires public notice for users, the use of boiled or bottled water for human consumption, the need to notify users to discard products made prior to issuance of the Order with tap water and an emergency response plan implementation including emergency reports and the investigation for corrective actions and subsequent sampling.

8/26/14: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Wing Memorial Hospital in, Palmer for Air Quality and Hazardous Waste violations. MassDEP conducted inspections at the hospital, and reviewed records, revealing that Wing Memorial was offering pharmaceutical hazardous waste to an unlicensed hazardous waste transporter and was accumulating over the allowed time limit for its status as a 'small quantity generator' of hazardous waste. MassDEP also found violations involving the record-keeping for air emissions, and hazardous waste as well as storage and labeling violations. Wing Memorial, which fully cooperated with MassDEP during the investigation, initiated corrective actions to address the noncompliance issues at its facility immediately after the inspection. As part of today's consent agreement, Wing Memorial will pay \$6,000 of the Penalty with \$4,000 suspended pending the company's compliance with the terms of the agreement.

8/26/14: MassDEP entered into a Consent Order with an \$18,000 Penalty involving RM Technologies, Inc. for Asbestos violations in Ludlow. On 12/23/13, MassDEP found RM

Technologies, Inc. of Lawrence had removed all of the windows from a Ludlow commercial property undergoing renovation into senior housing units. The window caulking, which was asbestos-containing, was removed by scraping methods and allowed to fall to the ground from all four floors of the building. Remnant pieces of the asbestos caulking were found around the grounds of the site as well as on public access areas around the building including the sidewalk, a side alley and the parking lot adjacent to the former Ludlow Hospital, now operated as a rehabilitation facility. RM Technologies was ordered to clean-up the property, including the proper removal, handling and disposal of the asbestos containing material. As part of the settlement agreement, RM Technologies will pay \$9,000 of the Penalty with the additional \$9,000 suspended pending compliance.

8/26/14: MassDEP issued a \$258 Penalty Assessment Notice to Thomas Dvorchak of Monson for Air Quality/Solid Waste violations. Based upon a complaint and report from the Monson Fire Department, Dvorchak was observed, on 4/16/14, burning solid waste containing dimensional lumber, shingles, clothes, mattresses, paint cans and furniture.

8/19/14: MassDEP entered into a Consent Order with an \$11,883 Penalty involving Hewlett-Packard Company for Air Quality, Hazardous Waste and Industrial Wastewater violations in Littleton. The company failed to comply with air quality plan approvals with regard to keeping specific records and following specified monitoring schedules and requirements, and operated its emergency engines during non-emergency situations. In addition, the company exceeded time limits for storage of waste oil, failed to comply with other waste oil requirements and discharged industrial wastewater to surface water without an EPA/MassDEP-issued National Pollutant Discharge Elimination System (NPDES) permit. Today's Order requires the company to comply with applicable regulations and pay an \$11,883 Penalty. Under the Order, \$8,912 of the Penalty will fund a Supplemental Environmental Project (SEP) and will be used toward the purchase of two hand-held thermal imaging cameras and truck chargers. The Littleton Fire Department will be the beneficiary of this much needed equipment. This action will help ensure the company complies with applicable regulations going forward.

8/19/14: MassDEP executed a Consent Order with a \$14,775 Penalty involving SFBC, LLC d/b/a Seaboard Folding Box Corp. of Fitchburg for Air Quality, Hazardous Waste, Industrial Wastewater and Environmental Results Program violations. The company failed to store volatile organic compounds properly, failed to keep adequate records and file appropriate certifications, failed to comply with numerous hazardous waste management requirements and discharged hazardous industrial wastewater to the sewer system. Today's Order requires the company to comply with applicable regulations and the company will perform a Pollution Prevention study to determine opportunities for further improvements in operations. In terms of the Penalty, the company has agreed to a \$10,959 Supplemental Environmental Project (SEP). The City of Fitchburg Fire Department will be the beneficiary of much needed equipment. This action will help ensure the company complies with applicable regulations going forward.

8/18/14: MassDEP issued a Unilateral Order to the town of Westport for Wetlands violations on Beach Avenue in Westport. Today's Order requires that the town cease and desist from any additional grading related activities on Beach Avenue east of the Towne Way intersection because that portion of the roadway runs through barrier beach that is mapped as "Estimated Habitat of Rare Wildlife" under the Massachusetts Endangered Species Act. The town is

required to comply with the Massachusetts Endangered Species Act before they undertake any additional grading related activities on the eastern end of Beach Avenue after Towne Way.

8/18/14: MassDEP issued a Unilateral Order to the private property owner of Saquish Beach in Plymouth. Today's Order requires the property owner cease and desist from any activities, subject to wetlands regulation, on Saquish Beach in Plymouth. Today's Order further requires the owner to file a Notice of Intent for any work proposed on his property since the existing dwelling is located on a coastal dune.

8/15/14: MassDEP entered into a Consent Order with a \$10,000 Penalty involving Main Street Realty Trust in Yarmouth for Waste Site Cleanup violations. Today's Order requires compliance with the Massachusetts Contingency Plan (MCP) at the property located at 14 Iyanough Road in Yarmouth. In addition to the Penalty for failure to achieve site closure in compliance and by the deadline, today's Order establishes a new timeline for achieving site closure.

8/15/14: MassDEP entered into a Consent Order with a \$10,000 Penalty involving 460 Howard Street Realty Trust for Wetlands violations in Lunenburg. Kevin O'Brien, as trustee of the 460 Howard Street Realty Trust, has agreed to address violations of the Wetlands Protection act at ARO Estates subdivision, off Howard Street in Lunenburg. A MassDEP inspection found alterations to Wetlands due to grading during construction of a roadway, and sedimentation of Wetlands due to the lack of erosion controls. Erosion controls were immediately installed upon approval by MassDEP and the Lunenburg conservation commission. Under the terms of today's Order, the Trust has agreed to implement a restoration plan as approved by MassDEP as well as maintain erosion controls until vegetation is established, and submit a report demonstrating that the affected bordering vegetated wetlands have been restored. Through this action approximately 2,500 square feet of BVW and 360 linear feet of stream bank will be restored and protected from additional erosion and sedimentation.

8/14/14: MassDEP entered into a Consent Order with a \$6,000 Penalty involving Pedro and Elzbieta Gomes for Solid Waste violations in Ludlow. Today's Order to the Gomes is to address the use of construction and demolition waste as fill at their residential property. As part of the settlement, the Gomes' will pay a \$500 civil administrative penalty, with \$5,500 suspended pending compliance. Prior to the execution of the Order the Gomes had agreed to and successfully removed the solid waste material from the property for proper disposal.

8/11/14: MassDEP issued a Boil Water Order to Hairpin Turn Golden Eagle, Inc. for Water Supply violations in Clarksburg. The Order was issued to the owner and operator of the Golden Eagle Restaurant in response to the detections of both total coliform and e.coli within its public water system. The Order requires public notice, use of boiled or bottled water for human consumption, discarding of products made prior to issuance of the Order with the tap water, emergency response plan implementation, emergency reports, investigation, corrective actions and subsequent sampling.

8/8/14: MassDEP entered into a Consent Order with a \$1,225 Penalty involving HDC Four, LLC, for Waste Site Cleanup violations in Springfield. HDC is the owner of the property located at 559 St. James Avenue in Springfield, and acquired the property; this land included an Activity and Use Limitation (AUL), as recorded in the registry of deeds in 2004. As required by the AUL

and regulations, HDC Four, LLC failed to reference the AUL in two leases and an easement for the property. MassDEP issued a notice of noncompliance (NON) to HDC Four, LLC to correct the violation. However, HDC Four, LLC failed to respond to the NON. Today's Order now requires HDC Four, LLC to file corrective leases and an easement, along with having to pay \$1,225.

8/8/14: MassDEP issued a Boil Water Order to Sodom Mountain Campground, Inc. for Water Supply violations in Southwick. Sodom Mountain Campground, Inc., owner and operator of Sodom Mountain Campground was issued today's Order in response to the detections of both total coliform and e.coli within its public water system. The Order requires public notice, use of boiled or bottled water for human consumption, discarding of products made prior to issuance of the Order with the tap water, emergency response plan implementation, emergency reports, investigation, corrective actions and subsequent sampling. 8/7/14: MassDEP entered into a Consent Order with an \$1,865 Penalty involving Dimark Precision Machining Inc. for Air Quality, Hazardous Waste, Industrial Wastewater and Toxics Use Reduction Act violations in Pembroke. An inspection revealed the company exceeded the generation limits established for very small quantity generators of hazardous waste in addition to other violations that will be corrected under today's Order.

8/4/14: MassDEP entered into a Consent Order with a \$540,000 Penalty involving Lahey Clinic Hospital, Inc. for Air Quality violations at 41 Mall Road in Burlington. In addition, the company has agreed to conduct a Supplemental Environmental Project in which Lahey will provide \$100,000 funds to the Middlesex 3 Coalition for the sole purpose of funding projects that decrease air emissions in the area. The company will provide environmental outreach to other health care institutions, to educate them about the proper environmental permitting and compliance procedures required of healthcare institutions operating in Massachusetts. Finally, the company will also complete a comprehensive environmental compliance audit, and an audit of its environmental management system of Lahey's Massachusetts facilities by an independent 3rd-party consultant. This case resulted from a significant air quality violation that was first discovered by MassDEP's permit engineer, who learned during a telephone conversation that Lahey had installed a 3-megawatt (MW) engine prior to applying for a required plan approval. Lahey was preparing to commence operation of the engine prior to obtaining a required plan approval. Promptly after learning of the engine's installation, a MassDEP engineer and inspector conducted a joint inspection on 12/11/13 and 2/19/14. The staff confirmed the violations and also observed hazardous waste violations including improperly labeled containers, storing of hazardous waste in unsound containers, and missing emergency information. The installation of the engine was part of an expansion of Lahey's Burlington campus. MassDEP is reviewing final application submittals regarding the engine and anticipates issuing a Plan Approval for the engine next month.

8/4/14: MassDEP entered into a Consent Order with a \$15,000 Penalty involving GEG Construction, Inc. for Asbestos violations in Ludlow. The company has agreed to address Asbestos violations that occurred in at 1 Lower Whitney Road in Ludlow. In September 2012, MassDEP determined that GEG Construction was hired to demolish a building at 1 Lower Whitney Road. This demolition occurred without an asbestos survey or the use of water for dust suppression. This caused a release of asbestos to the surrounding area. GEG Construction also had removed some of the asbestos contaminated building rubble and rubble from road paving

operations, and had used it as fill at a second Ludlow property. GEG Construction cooperated with MassDEP and cleaned-up the site, including the proper removal, handling and disposal of the asbestos containing material. As part of the settlement agreement, GEG Construction will pay a penalty of \$15,000.

8/4/14: MassDEP entered into a Consent Order with a \$2,000 Penalty involving the Fairhaven Shipyard Companies, Inc. for Air Quality violations in Fairhaven. The violations are relative to the operations located at the North Yard, located at 32 Water Street in Fairhaven. The North Yard operations were causing violations of the Massachusetts Air Pollution Regulations. MassDEP conducted noise surveys and inspections in response to complaints from neighbors during 2013. The noise survey and inspections revealed violations. The noise surveys identified specific operations at the facility that were causing repeated elevated levels as stipulated in the Air Quality Control Policy 90-001. The facility agreed to pay for the violations and agreed to install noise barriers/enclosures and implement Best Management Practices to address the violations.

8/4/14: MassDEP issued a Unilateral Declaration of Water Emergency to Dalton Fire District for address an emergency. Today's Declaration will allow Dalton Fire District to provide alternate water to its customers. A transmission main from the Pittsfield's Cleveland Reservoir and plant was damaged. Dalton relies on this main to provide sufficient water to its customers. Dalton planned to use stored water and conservation of water, but was prepared to provide at least some customers with water if the need arose. Under today's Declaration the District is required to implement its Emergency Response Plan, take steps to abate the emergency and report on its status, institute conservation, provide notice to customers of the emergency, collect, analyze and report water samples.

8/4/14: MassDEP issued a Unilateral Order to the MacMillin Company, LLC for Wetlands violations in Rowe. Today's Order directs the Macmillan Company to stabilize the construction site at the Rowe Elementary school and to implement the recommendations to stabilize the site prepared by the consultant hired in accordance with a local enforcement order. MassDEP's action followed a request for assistance from the Rowe conservation commission. Additional action may be forthcoming.

8/3/14: MassDEP issued 24 Standard Penalty Assessment Notices to facilities regarding compliance with the Underground Storage Tank (UST) program in the Bureau of Waste Prevention. These facility owner/operators failed to respond to previous notices of noncompliance (NONs) in which their noncompliance was noted. These facilities did not have the required third-party inspections completed by their respective due dates. MassDEP gave the violators 21 days to pay the penalty. UST facility owner/operators are required to hire MassDEP-approved Third-Party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

8/1/14: MassDEP entered into a Consent Order with a \$27,320 Penalty involving Diesel Direct, Inc. for Waste Site Cleanup violations in Stoughton. MassDEP found that Diesel Direct, Inc. had failed to notify MassDEP of a 2-hour notification condition, conducting remedial actions

without notification and conducting insufficient response actions. On 4/23/13 an estimated release of 48 gallons of diesel fuel during delivery by Diesel Direct at the Liberty Bakery Kitchen, 125 Liberty Street, Brockton. On 4/29/13 MassDEP and the Brockton Fire department were notified by an abutting property owner of oil in a retention basin. Ultimately, Diesel Direct, Inc. was found to have caused the release and failed to notify MassDEP and will pay the \$27,320 Penalty.

July 2014

7/31/14: MassDEP Waste Ban Enforcement Initiative issued one (1) Consent Order with Penalty and five (5) Notices of Noncompliance for violations of the Solid Waste regulations during July, 2014. Among those entities receiving notices were retail stores, companies, waste haulers and solid waste facilities for disposing - or transferring for the purpose of disposal - various materials that are subject to waste disposal bans. Those materials banned from landfills and incinerators include wood and construction debris, cardboard, and other recyclable materials and/or yard wastes. MassDEP gave the violators 30 days in which they must provide written descriptions of each action taken to correct the violations cited in their NONs, including status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: <http://www.mass.gov/eea/agencies/massdep/recycle/solid/massachusetts-waste-disposalbans.html>

7/29/14: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Adesa, Inc. for environmental violations at 63 Western Avenue in Framingham. The company, which is based at 13085 Hamilton Crossing Boulevard in Carmel, Indiana, was found to have numerous Air Quality and Hazardous Waste Management violations. The company agreed to correct the violations and MassDEP has agreed it will suspend \$15,000 of the Penalty pending full compliance with all the terms of the Order.

7/29/14: MassDEP entered into a Consent Order with a \$5,500 Penalty involving Ridge View Realty Trust and Crabtree Development LLC for Wetlands violations in Ayer. MassDEP noted the violations at Ridge View Heights off Route 2 and 110 in Ayer following a request from the local conservation commission. Erosion and sedimentation of unstable soils and steep unstable side slopes, combined with inadequate erosion controls, resulted in discharge of sediments to bordering vegetated wetlands and Bennetts Brook. Today's Order requires implementation of an erosion and sedimentation control plan, and inspection of the site after rainfall events of one half inch or more by an Erosion Control specialist. Through application of today's Order, 2,500 square feet of BVW and 2,500 square feet of land under a water body will be restored and protected.

7/27/14: MassDEP issued twenty-two (22) Notices of Noncompliance to Underground Storage Tank (UST) facility owners/operators for failure to have a UST Third Party inspection completed by their respective compliance due date. These facilities have been given 45 days to return to compliance. Those that failed to do so will be subjected to additional enforcement measures including financial penalties. The UST facility owners and operators are required to hire MassDEP-approved Third Party Inspectors to inspect their tank systems every three years. TPIs report their findings to the Department. While they also provide advice to their clients, TPIs are not authorized to take enforcement action. More [UST - TPI](#)

7/24/14: MassDEP issued a Demand for \$1,000 Stipulated Penalties to Camp Overflow LLC in Otis for failure to comply with the terms of an earlier Consent Order. That Order for Water Supply violations required the owner to submit an application to install the chlorine (disinfection) system prior to the start of the 2014 camp season.

7/23/14: MassDEP entered into a Consent Order with a \$12,000 Penalty the Gregory A. Clark (d/b/a Pioneer Carpet Company) of Uxbridge for Asbestos violations. The company failed to notify MassDEP of a demolition/renovation project and failed to seal the work area. The company also failed to use local exhaust ventilation, failed to wet the asbestos-containing waste, failed to seal the asbestos waste in leak-tight containers, failed to label asbestos-containing waste and stored asbestos-containing waste improperly. Today's Order requires the company to comply with all regulations going forward.

7/23/14: MassDEP executed a Consent Order with a \$15,156.25 Penalty involving the New England Power Company (NEP) for Wetlands violations at its Amesbury substation. The property, located at 102 Middle Road in Amesbury is the location where the company holds an Order of Conditions (OOC) which allows for certain work on the property. However, the work resulted in slope slumping, erosion, and, sedimentation altering Land Under Water, Bordering Vegetated Wetland, Bank and Riverfront Area of Presby Creek. This represents a violation of the OOC and an earlier consent order with MassDEP and the company. Today's Order now requires identification and assessment of all the resource area alteration that resulted from the improper sedimentation, to a full restoration and long-term monitoring along with complete stabilization of the site, and, implementation of a comprehensive revised stormwater management engineering design plan to control groundwater and surface water flows on the site. The document also contains a penalty of \$10,000 paid with the remaining \$5,156.25 suspended upon full compliance after 4 years.

7/21/14: MassDEP entered into a Consent Order with Dorchester Bay Economic Development Corporation for Waste Site Cleanup violations. The corporation owns the property at 195 Bowdoin Street, Dorchester (Boston). Specifically, the violations were the failure to submit a phase two, or comprehensive site assessment, a phase three, or remedial action plan, and a phase four, or remedy implementation plan. In addition the corporation has not submitted the final response action outcome statement as required. Earlier, a Notice of Noncompliance was issued by MassDEP on 11/1/13. In response, the owner contacted MassDEP with a schedule to return the site to compliance. Today's Order now contains a stipulated penalty provision for any missed deadlines.

7/16/14: MassDEP was notified that Massachusetts Superior Court has assessed T. J. Battye Trucking, of Methuen a civil penalty in the amount of \$3.5 million for Wetlands, Air Quality and Solid Waste violations arising from operating an illegal dump. The Court so ordered despite Battye having provided financial documentation showing his only significant assets were his residence in Maine and the property in Methuen that is the subject of the enforcement action. The Court also granted the Commonwealth's attachment against all of Battye's real property in the amount of the penalty. The Court's reasoning in ordering a large civil penalty despite Battye's inability to pay it was due to the untold damage on the subject property and surrounding environment, and Battye's bad faith in continuing to accept, process and dump solid waste while under an injunction prohibiting these actions was in place. In addition today's action will serve

as a deterrent for other would-be violators. The Court will also retain jurisdiction to award damages in the future for these violations once a comprehensive site assessment on the property has been completed. Initial cost estimates to cap and close the property and return it to compliance is between \$6 and \$8 million. The Court earlier had awarded damages in the amount of \$200,000 for wetlands restoration on the property.

7/14/14: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Michael Malvers for Waste Site Cleanup violations in Haverhill. Malvers is the owner and operator of the property at 112 Hale Street in Haverhill. The site is a former fuel oil dispensary with four remaining 8,000 gallon underground storage tanks. The owner uses the site to store towed vehicles and is currently removing vehicles under a release abatement measure. The specific Waste Site Cleanup violations noted were failure to meet deadlines set out in the regulations and for failing to meet those regulations which had earlier been noted by MassDEP on 9/11/13 when a notice of noncompliance was issued to Malvers. Today's Order now requires a phase two report and a phase three report by 9/30/14, and a phase four report by 3/2/15 and a final response action outcome statement by 8/1/15. Today's Order further requires \$3,000 of the Penalty payable with \$27,000 suspended and a stipulated penalty provision for any missed deadlines.

7/14/14: MassDEP entered into a Consent Order with W.R. Robinson Plumbing for Wetlands violations in Hardwick. The owner was found responsible for unpermitted Riverfront Area alteration conducted on its property. Robinson - a small business that processes timber - altered approximately 16,700 square feet of riverfront area at its mill by clearing vegetation and removing gravel from the Riverfront Area for use at other locations on the property. Today's Order requires the restoration of Riverfront Area including return of stockpiled topsoil and planting of appropriate vegetation.

7/11/14: MassDEP entered into a Consent Order with a \$7,187 Penalty involving Great Road Condominium Trust for Water Pollution Control violations in Acton. The Trust has agreed to resolve violations of the Trust's Groundwater Discharge Permit for its wastewater treatment facility. MassDEP inspections identified chronic discharge flow violations at this facility. After several attempts by the facility to correct the violations, the parties agreed to enter into today's Order to establish an enforceable schedule to assure proper operation of the wastewater facility. Today's Order requires the Trust to hire an independent expert to identify and correct leaks in the collection system, meter the water use, replace an existing sewer line known to be leaking, and examine the up-gradient status. The Trust will pay \$1,000 immediately and \$6,187 will be suspended under the small business policy pending compliance with the consent order. This action will result in the proper treatment of 27,720 gallons per day of wastewater.

7/7/14: MassDEP entered into an Amendment to an existing Consent Order with a \$4,312.50 Penalty involving Consolidated Recycling Technologies, Inc, to address Hazardous Waste management regulations at the company's 1 Depot Street in Bridgewater. The Amendment addresses the compliance for storing hazardous waste on site longer than 180 days.

7/3/14: MassDEP was notified by Massachusetts Attorney General's Office that Worcester Superior Court had sentenced Daniel Watterson, a Worcester area plumbing & heating contractor, to two years in the House of Corrections, with 60 days to be served and the balance suspended for five years following his conviction on a child endangerment charge. This was the

first use of the child endangerment statute in an Asbestos case. Watterson was convicted of directing a teenager to improperly remove asbestos containing insulation from a heating system at a Worcester residence. Watterson was also convicted and sentenced to five years probation on charges of violating the Clean Air Act for numerous violations of MassDEP's Asbestos regulations. The sentence also requires Watterson to pay annual medical bills for the evaluation of asbestos related illnesses for the endangered child and to pay \$1,675 in restitution to the property owners for cleanup and decontamination costs which they incurred.

7/2/14: MassDEP entered into a Consent Order with a \$1,035 Penalty involving Clean Harbors Environmental Services, Inc. for Hazardous Waste management violations. The violations occurred at the garage located at 607 Pleasant Street in Weymouth. On 4/15/14, MassDEP conducted an inspection of the facility, and based on the inspection and review of records, the following violation was noted: the address was registered as a very small quantity generator of waste oil for at least the past three years, exceeding its allowable generation amounts. The facility has generally been generating waste oil at large quantity generator amounts (1000 kg/month or greater).

7/1/14: MassDEP issued a Unilateral Order to Aquarius Water Company, Inc. for repeated instances of elevated levels of total coliform (bacteria) above the maximum contaminant level at its community water system known as Sportshaven Mobile Home Park in Belchertown. Today's Order requires the installation and operation of a disinfection system, permit submittal for the disinfection system, issuance of public notice and submittal of an emergency response report.

7/1/14: MassDEP entered into a Consent Order with the owners of Maplewood 1850 House/Other Brother Darryl's in Otis for Water Supply violations. Richard and Carolyn Garretson have agreed to address elevated levels of total coliform (bacteria) levels in this public water system. This facility serves the Other Brother Darryl's Seafood Market. The bacteria problem was localized at the Other Brother Darryl's portion of the system. Today's Order includes requirements to ensure the bacteria problem is addressed and mentions the planned registration of Other Brother Darryl's as a separate consecutive public water system. Other Brother Darryl's Inc. will register as a consecutive public water system and to ensure the permitting of the disinfection treatment system at the public water system.

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6/30/14: MassDEP entered into a Consent Order with an \$860 Penalty involving Ware Real Estate, LLC, for Waste Site Cleanup violations in Ware. Ware Real Estate, LLC, is the owner and/or operator of the property at 198 East Street, Ware. Specifically, violations were due to the failure to meet deadlines set out in a Notice of Noncompliance that MassDEP issued on 10/8/13, which required submittal of a tier classification or a final, response action outcome, statement that completed the cleanup by 12/9/13. Today's Order now requires the submittal of either that tier classification submittal or the response action outcome statement on or before 9/1/14, and contains an \$860 Penalty, and a stipulated penalty provision for any missed deadlines.

6/27/14: MassDEP entered into a Consent Order with a \$6,244 Penalty involving the Americad Technology Corporation for Air Quality and Hazardous Waste management violations in Norwood. The company is located at 700 Pleasant Street in Norwood. On 1/28/14, MassDEP

conducted a multi-media inspection of Americad and cited Class I air quality emission violations and Class II violations relating to hazardous waste management.

6/27/14: MassDEP issued a Unilateral Order to Primo Water Corporation d/b/a Primo Refill LLC in Westfield, for Water Supply violations in Westfield. The Order was to address microbiological water quality concerns at this Westfield location which is associated with a vending machine operation. The operation also includes the equipment and installation. Today's Order requires public notice and the removal of the machine from service pending the results of a study.

6/25/14: MassDEP entered into an Amendment to an existing Consent Order with Knox Trail Inn, LLC, to address compliance with Water Supply regulations in Otis. The Amendment addresses the needed requirement for a disinfection system at the public water system.

6/25/14: MassDEP issued a Unilateral Order to Berkshire MA SNF, LLC, for Water Supply violations in Sandisfield. MassDEP issued the Order and Declaration of Water Emergency to Berkshire MA SNF, LLC to address its community public water system's loss of water at the Berkshire Rehabilitation and Skilled Care Center in Sandisfield. A well pump failure led to a loss of water. Today's Order addresses the response actions and allowed the use of alternate water (bottled water and bulk water) for the duration of the emergency.

6/24/14: MassDEP entered into a Consent Order with Salt Pond Cottages Condominium for Water Supply violations in Eastham. Salt Pond Condominium Trust was a pre-existing un-registered public water supply system that self reported. The facility has the potential to serve up to 32 persons which triggers the need to be regulated by the MassDEP Drinking Water program. A site inspection conducted on 4/18/13 confirmed that the facility was, in fact, operating as a public water system. Under today's Order, this pre-existing public water system registration document has now been signed by the president of the Trust on 6/16/14 and submitted to MassDEP to be finalized.

6/24/14: MassDEP entered into a Consent Order with a \$6,790 Penalty involving Micron Products, Inc. of Fitchburg for violating Hazardous Waste Management and Toxics Use Reduction Regulations. The company accumulated hazardous waste for a longer period of time than allowed under its current self-registered status. The company failed to comply with other hazardous waste accumulation standards and did not have the certification statement on its last toxics use reduction plan update signed by a senior management official. Today's Order requires the company to comply with applicable regulations and pay a \$6,790 Penalty. Under agreement up to \$4,075 of that Penalty will be directed toward the purchase of a multi-gas meter for Fitchburg Fire Department as a Supplemental Environmental Project (SEP). Today's Order will help ensure the company complies with applicable regulations going forward and provides the city with a much needed piece of safety equipment.

6/20/14: MassDEP entered into a Consent Order with a \$24,860 Penalty involving Northeast Behavioral Health Corporation, (formerly Health And Education Services, Inc.) for Water Pollution Control/Wastewater violations. Northeast Behavioral Health Corp., which is currently owned by Lahey Health, is the owner and operator of Nike Village, a residential community for the treatment of physically and/or mentally afflicted clients in Topsfield. Today's Order follows

MassDEP's March 2014 issuance of a Unilateral Administrative Order that required immediate action be taken to cease the discharge of an active sanitary sewer overflow (SSO) from the on-site wastewater pump station and to take corrective actions to repair/replace all failed components. Both pumps were in failure mode, while on-site visual and audible alarms had been turned off, and vital components to provide notification of a sounding alarm to the staff had been terminated. The site was unsecured. The pump station terrain drains to and directly abuts the watershed of a public drinking water supply. The Topsfield Fire Department, responded to a medical aide call on Sunday 3/9/14, reported the SSO to the Topsfield Board of Health. MassDEP was not made aware of the situation until three days later, and that was not from the operator but from the local board of health. When MassDEP responded, the SSO was actively discharging on 3/13/14. Four years prior, on 4/22/10, MassDEP executed a Consent Order with the facility for the same violations. The Order requires a complete review of all prior work done, to be conducted by a Massachusetts Register Professional Engineer, and to submit a correctives actions plan for MassDEP's review and approval. Corrective actions will be implemented and semi-annual reporting by the Respondent is required through 7/1/17. The Penalty of \$24,860 is payable within 30 days.

6/19/14: MassDEP entered into a Consent Order with \$12,000 Penalty involving Unistress Corporation for Air Quality, Hazardous Waste and Industrial Wastewater management violations in Lanesboro. The company, which is based in Pittsfield, designs and manufactures a variety of precast, pre-stressed concrete structures used for construction of bridges, roadways, retail and industrial structures. During a routine multi-media inspection of the facility, MassDEP observed violations, which included failure to maintain waste oil records for oil generated and burned in an on-site space heater, failure to register as a generator of waste oil, failure to label a waste oil tank, failure to maintain a manifest for waste oil, failure to test its hot oil heaters for efficiency, not registering its emergency generator with MassDEP, depositing solid wastes at the facility and discharging concrete slurry/wash water onto the ground. Unistress has fully cooperated with MassDEP and responded quickly to address these violations. As part of the settlement agreement, the company will pay \$10,000 of the Penalty and MassDEP has agreed to suspend an additional \$2,000 pending Unistress' compliance with the terms of the agreement.

6/19/14: MassDEP entered into a Consent Order with a \$10,340 Penalty involving Perry 100 Research Road, LLC, for Waste Site Cleanup violations in Hingham. The company is a subsidiary of A.W. Perry, Inc. and owner of the Hingham Industrial Park. Today's Order was issued for failure to comply with deadlines established in two separate Notices of Noncompliance issued by MassDEP relative to two separate release incidents (RTNs: 4-3017307 and 4-3017359), although both occurred on the same parcel at 100 Research Road in Hingham. These releases each required termination of a Notice of Activity and Use Limitation (AUL) and recording of these AULs at the Registry of Deeds. The two AULs that were on record at the time of MassDEP's Level 2 audit inspection of the property were filed by the prior owner, former US Repeating Arms. This failure by the current owner represents violations. Under today's Order, the company has agreed to pay \$5,170 and the remaining \$5,170 suspended provided the company remains compliant with the terms of the Order for two years.

6/19/14: MassDEP entered into a Consent Order with a \$2,300 Penalty involving Bay Oil and Chemical Corporation for Hazardous Waste management violations in Chicopee. Bay Oil is a producer of lubricating oils located in Chicopee where a MassDEP inspection conducted on

11/7/13 revealed that Bay Oil was recycling hazardous waste (waste oil received from off-site). The company had not submitted an application to MassDEP prior to conducting such recycling, and without obtaining prior written approval from MassDEP. The inspection also found hazardous waste record-keeping and labeling violations. Bay Oil, which cooperated with MassDEP during the investigation, initiated corrective actions to address the noncompliance issues at its facility immediately after the inspection. As part of a consent order, Bay Oil has agreed to pay \$1,300 and MassDEP has agreed to suspend the additional \$1,000 pending the company's compliance with the terms of the agreement.

6/16/14: MassDEP entered into a Consent Order with Sterling Nursery School, Inc. for Water Supply violations in Sterling. Today's Order establishes an enforceable schedule to design and construct a treatment facility for the removal of arsenic in their public drinking water supply. Today's Order requires the school to hire a consultant and submit a permit application for the treatment system, and to provide timely public notice of any occurrences of the arsenic standards that may occur prior to commencement of treatment operations. Through today's Order the Nursery School will continue to provide water that is safe and fit to drink to a population served of 150 people.

6/12/14: MassDEP entered into an Amendment to an existing Consent Order with MODAK LLC, for Waste Site Cleanup violations in East Longmeadow. MODAK LLC requested an extension of the phase two comprehensive site assessment deadline. This phase is necessary to determine the extent of a trichloroethene (TCE) groundwater plume (contamination) that extends several thousand feet off site. Today's Amendment provides a 10-month extension to the previous deadline to allow additional investigations aimed at determining the extent of the contamination.

6/12/14: MassDEP entered into an Amendment to an existing Consent Order with the Hilltown Community Development Corporation for Water Supply violations in Chesterfield. Today's action will address elevated nitrate in this public water system serving the facility in Chesterfield. The amendment modifies the proposed corrective action and identifies a period of monitoring to ensure effectiveness. If the proposed corrective actions are not effective, an additional set of actions are required.

6/11/14: MassDEP issued a Penalty Assessment Notice of \$37,625 to Crestline Weatherization and Construction LLC in Worcester. The company violated the Asbestos regulations. The violations occurred during the improper removal of asbestos-containing insulation from the heating system of a residential property in Worcester in November 2012. During the inspection, MassDEP found numerous pieces of dry, friable asbestos-containing insulation lying uncontained on the basement floor at the residence.

6/11/14: MassDEP entered into a Consent Order with Nick Marietos d/b/a Grapevine Grille for Water Supply violations in Belchertown. MassDEP concluded an Order with Marietos to address elevated nitrate in its public water system serving the Grapevine Grille and adjacent apartment. Today's Order establishes ongoing public notice and completion of an investigation and corrective actions.

6/6/14: MassDEP issued a Unilateral Administrative Order to Melissa and Edward Mallet for Wetlands violations in New Salem. Today's Order to the Mallets requires that the Mallets stop cutting in the riverfront area and in a bordering vegetated wetlands (resource areas) on their property. The Mallets were clearing an area of BVW and riverfront area in an effort to expand the area for their horse.

6/5/14: MassDEP entered into a Consent Order with a \$30,000 Penalty involving Dockside Properties for Waste Site Cleanup violations in Burlington. The company is the owner of a residential property at 151 Bedford Street in Burlington. Today's Order was issued due to an overdue phase one preliminary assessment report and tier classification submittal. The site was reported on 12/22/11 after a fuel oil release was reported to MassDEP. Dockside Properties LLC has agreed to pay \$4,000 of the Penalty with the remaining \$26,000 suspended. This enforcement action will lead to the cleanup of petroleum in the area of a former heating fuel tank.

6/5/14: MassDEP entered into a Consent Order with a \$9,961 Penalty involving JJJ Gas & Auto Repair, Inc. - which is d/b/a O'Malley's - located at 531 Main Street in Clinton. The property has an underground storage tank (UST) and Air Quality (vapor recovery) violations. When the UST was initially inspected on 5/18/12, MassDEP issued a notice of noncompliance for the UST and the vapor recovery (Air Quality) violations. Randomly chosen for inspection by the MassDEP in 2013, the subsequent inspection showed the station is in continued noncompliance with MassDEP's UST and Air Quality (vapor recovery) regulations. Today's Order requires the company to pay \$2,500 of the Penalty (as agreed under MassDEP's small business policy) and correct all violations and remain in compliance with the requirements. MassDEP has agreed to suspend the remaining \$7,461 penalty for two years if the company remains in compliance.

6/3/14: MassDEP entered into a Consent Order with Finberg Field for Waste Site Cleanup violations in Attleboro. The City of Attleboro owns the Finberg Field site where a reported release was reported requiring cleanup. The Field is located at the corner of Park and Bishop Streets in Attleboro. The city failed to comply with the deadline established in a notice of audit findings/notice of noncompliance. MassDEP identified violations of the requirements associated with a response action outcome statement and the activity and use limitation (AUL) at the site as a result of comprehensive audit of those cleanup actions. A deadline of 12/6/13 was established for the correction of the violations. Prior to the expiration of the deadline established, MassDEP received a request from the city for additional time to address the violations. Today's Order establishes a deadline to correct the violations.

6/3/14: MassDEP entered into a Consent Order with a \$15,000 Penalty involving Bush Realty Trust for Waste Site Cleanup violations at 173 Spring Street in Fairhaven. Bush Realty Trust is the owner of 173 Spring Street, Fairhaven where there had been a release of oil and hazardous materials. In January 2013, MassDEP issued Bush a notice of noncompliance (NON) for having failed to complete the response actions as required in a timely manner. Bush did not comply or respond to the NON. Today's Order establishes negotiated timelines for completion of work at the site and contains a \$15,000 Penalty for violations and failing to respond to MassDEP's original NON.

6/2/14: MassDEP entered into a Consent Order with a \$19,312 Penalty involving A&E Environmental, Inc., for Asbestos violations in Millbury. A&E Environmental, Inc., which is located in Leominster, was found to be in violation in March of 2013 during an inspection of an occupied residence in Millbury. MassDEP inspectors were called to the site by the property owner who requested assistance after the company left numerous pieces of dry, friable asbestos containing insulation on the basement floor and on the heating pipes that were supposed to be abated. Dry, friable asbestos containing insulation had been improperly removed, handled and stored at the property. Under the terms of the settlement the company will pay \$5,000 of the assessed penalty with the balance suspended, provided that the company has no further violations for one year.

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5/30/14: MassDEP entered into a Consent Order with the Sankaty Head Golf Club for Water Supply violations in Nantucket. Sankaty Head Golf Club was operating an unregistered Public Water Supply. The Golf Club is located on Nantucket Island within the Village of Siasconset. The facility consists of a beach club and restaurant for members only. The current membership is 540 with approximately 60 members utilizing the facility on a daily basis. As the Golf Club self-reported, and a follow up inspection by MassDEP conducted on 5/7/13 confirmed, the Golf Club is operating a public water supply. Today's Order requires Sankaty Head to properly register with MassDEP as a water supply and conduct all required monitoring and notifications.

5/29/14: MassDEP entered into a Consent Order with a \$6,000 Penalty involving Noel Vincent for Asbestos violations (removal and disposal) at the Orange Innovation Center in Orange. Vincent, of Mount Dora, Florida, was the trustee at the time of the violations and has since sold his interests. MassDEP determined that Vincent had instructed a maintenance worker to remove asbestos pipe insulation from the first floor area of the Center on a weekend when the shops and stores were closed without instituting the proper asbestos-handling procedures. The asbestos removed from the work area had been improperly stored in drums in the basement. Vincent was ordered to clean up the property, including the proper removal, handling and disposal of the asbestos containing material. As part of the settlement agreement, Vincent will pay the \$6,000 Penalty.

5/29/14: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Henry C. Kocot & Sons, Inc., for Hazardous Waste Management and Industrial Wastewater violations in South Deerfield. Kocot utilizes its garage area for its business-only vehicle maintenance operations. During a routine multimedia inspection of the facility, MassDEP observed hazardous waste and industrial wastewater violations. The violations include: failure to maintain waste oil records for oil generated and burned in an on-site space heater; failure to register as a very small quantity generator of hazardous waste; failure to register an industrial wastewater holding tank; and, failure to prevent discharge of industrial wastewater, generated from washing trucks, to an adjacent stream. Kocot has cooperated and responded quickly to address these violations. As part of the settlement agreement, the company will pay \$1,000 of the Penalty with an additional \$2,000 suspended pending Kocot's compliance with the terms of the agreement.

5/29/14: MassDEP entered into a Consent Order with an \$18,172 Penalty involving Sunco, Inc. for Air Quality and Hazardous Waste Management violations in Easton. Sunco, Inc. is located at 35 Eastman Street in Easton. On 1/9/14, MassDEP conducted a multi-media inspection of Sunco, Inc. and cited violations including: 1) the facility was registered with MassDEP as a small quantity generator of hazardous waste, but, in fact, was found to be acting out of status as a large quantity generator of hazardous waste; 2) the facility failed to properly label a satellite container of hazardous waste; and 3) the facility failed to obtain a comprehensive plan approval prior to the installation and operation of equipment (multiple spray booths) that have potential emissions greater than 10 tons per year of acetone. In addition to the Penalty, Sunco will take steps to bring the facility into compliance.

5/28/14: MassDEP entered into a Consent Order with a \$6,200 Penalty involving the city of West Springfield for Water Pollution Control violations in West Springfield. Under today's Order, West Springfield has agreed to address the discharge of sanitary sewage at the city's Dix Street Pump Station following the break of a manifold header on the pump station's dry well. The city will pay \$2,500 and the remaining \$3,700 is suspended provided the city complies with requirements which include, upgrades to the affected pumps stations and an analysis of all of its pump stations and development of a Capital Improvement Plan.

5/28/14: MassDEP investigated, and in conjunction with the Mass. Attorney General's office moved towards a consent judgment that was granted by Suffolk Superior Court surrounding Safety Kleen. The judgment resolves alleged violations by Safety Kleen of the Hazardous Waste Management Act such as transportation of hazardous waste from unregistered generators. In addition the complaint also alleges that the respondent submitted inaccurate electronic monthly reports regarding their transportation of hazardous waste. Under the terms of the consent judgment, the respondent will pay a civil penalty of \$100,000 as follows: \$60,000 within 15 days of the final settlement and \$40,000 will be suspended pending the respondent's compliance with environmental laws outlined in the consent judgment. As part of the agreement, the respondent must take steps to ensure that it only accepts waste from registered facilities. The steps include providing the respondent's drivers with a list of registered facilities and training for all its current employees and those it hires henceforth.

5/23/14: MassDEP entered into a Consent Order with a \$25,000 Penalty involving Ali Nowrouzi – as trustee of Pine Street Realty Trust – for Waste Site Cleanup violations in Waltham. Ali Nowrouzi – the Trust – is the owner of the property at 266 Moody Street in Waltham where specific violations noted included the failure to meet deadlines established under a previous Consent Order. Today's Order now requires a phase two assessment report which meets the requirements and if applicable, a phase three report for the site which meets the requirements by 4/1/15. Thereafter, a phase four (or remedy selection/implementation report) for the site, which meets the requirements is due by 6/1/15. A permanent or temporary solution for the site, which meets the requirements is due by 6/1/16 unless a remedy operation status is the appropriate filing. Under today's Order a payment of \$4,500 is due with \$20,500 suspended. There is also a stipulated penalty provision for any missed deadlines.

5/23/14: MassDEP entered into a Consent Order with a \$5,500 Penalty involving Niagara Thermal Products LLC - d/b/a J. Kittredge a Division of Niagara Thermal Products Inc. – for Hazardous Waste Management and Industrial Wastewater violations in Hudson. The company

accumulated hazardous waste in excess of the time period allowed of a small quantity generator of Hazardous Waste, failed to comply with numerous other hazardous waste management requirements and failed to submit a compliance certification for its industrial wastewater discharge. Today's Order requires the company to comply with applicable regulations and pay the \$5,500 Penalty.

5/23/14: MassDEP entered into a Consent Order with a \$15,000 Penalty involving Excel Recycling, LLC, for Waste Site Cleanup violations at 17 Griffin Road, Charlton. The enforcement originated after a release of waste oil to the environment from several underground storage tanks that were received as scrap. The tanks were supposed to be empty and clean when received, but at least one tank contained up to 100 gallons of waste oil. The release was discovered by the Charlton Fire Department during an unrelated permit inspection. MassDEP met at the site with the business owners and determined that a cleanup was necessary. The total penalty is \$15,000, with \$2,100 suspended pending a repeat violation, with a \$9,750 Supplemental Environmental Project under which the company will pay to purchase oil/hazmat planning and response equipment for the Charlton Fire Department.

5/22/14: MassDEP entered into a Consent Order with a \$1,000 Penalty involving Harvey Recycling of Fitchburg, LLC, for Solid Waste violations in Fitchburg. The facility has agreed to resolve its failure to have a certified asbestos inspector on the tipping floor at its transfer station facility. The authorization to operate issued for the facility required a certified asbestos inspector to monitor all incoming loads of construction and demolition waste for suspect asbestos-containing material. Under today's Order, the company agreed to pay a \$1,000 penalty and to staff the tipping floor as required.

5/21/14: MassDEP entered into an Amendment to an existing Consent Order with Gateway Regional School District in Huntington. The Amendment specifies how the Regional School District will address replacement rather than repair of the public water system's source.

5/21/14: MassDEP entered into a Consent Order with Gerard Brunet d/b/a/ Bisselville Estates, for Water Supply violations in Hinsdale. Today's Order with Brunet d/b/a Bisselville Estates was in connection with multiple violations of the Total Coliform Rule, including monitoring violations and repeated incidents in which the maximum contaminant level was exceeded as defined in the Groundwater Rule as is public notification and having a certified operator.

5/21/14: MassDEP entered into a Consent Order with a \$13,455 Penalty involving the Home Market Foods, Inc., for Air Quality violations in Norwood. MassDEP was notified via email that the facility's regenerative thermal oxidizer was taken out of service. Home Market Foods, Inc. operated the production plant without the RTO for seven (7) days in violation of their plan approval. Today's Order ensures continued compliance with applicable regulations at the facility.

5/15/14: MassDEP entered into a Consent Order with a \$6,325 Penalty involving Roby's Propane Gas, Inc. for Water Pollution Control violations in Wareham. The violations are in connection with the pumping and discharge of the contents of an overflowing septic tank to the ground. Today's Order requires the installation of a new septic system no later than 6/30/14 and the payment of a \$6,325 Penalty.

5/15/14: MassDEP entered into a Consent Order with Foxx River Trust, for Waste Site Cleanup violations in Attleboro. Records indicate that Foxx River Trust is the owner of a parcel at 70 Frank Mossberg Drive in Attleboro from which there has been a release of oil and hazardous materials. On 5/16/13, MassDEP issued Foxx River Trust a notice of noncompliance for failing to submit adequate site information required for appropriate risk characterization purposes and documentation required for signatory authority in an activity and use limitation (AUL) area. The respondent requested additional time in which to comply. Today's Order now establishes negotiated timelines to either submit a revised response action outcome and confirmatory AUL or retract the existing RAO by the end of June 2014.

5/11/14: MassDEP under the Commercial Printer Enforcement issued two reporting Penalty Assessment Notices: one for \$500 and one for \$1,000 to medium-sized commercial printers that failed to submit their 2013 Environmental Results Program (ERP) compliance certifications. Under ERP, printers are required to submit certification forms concerning their operations by 9/15 of each year. MassDEP had previously issues notices of noncompliance (NONs) to the same three companies for failing to certify in 2012. Three additional printers have been cited for not submitting their ERP certifications last year.

5/9/14: MassDEP entered into a Consent Order with a \$26,800 Penalty involving Buonfiglio Funeral Services Inc. for Waste Site Cleanup violations at 128 Revere Street in Revere. As owner of the property, the company is responsible for violations including failure to meet deadlines set out MassDEP's notice of noncompliance dated 11/1/13. Under today's Order, the company must submit a phase two and if applicable, a phase three (a remedy alternatives and selection report) for the site which meets the requirements by 4/7/16. Thereafter, a phase four remedy implementation report for the site which meets the requirements by 4/7/17 and a final response action outcome statement which meets the requirements or, if appropriate, a remedy operation status by 4/7/18. Under today's Order, \$2,500 will be paid and \$24,300 suspended.

5/9/14: MassDEP entered into an Amendment to an existing Consent Order with a \$6,610 Penalty involving SND Realty Corp for Waste Site Cleanup violations at 50 Brighton Street in Belmont. SND Realty Corp is the owner of the property where it did not meet the deadlines in a prior MassDEP Consent Order dated 6/7/13. That Order called for completing a release abatement measure (RAM) within required timelines. Today's Amended Order now requires a tier two extension submittal, and the RAM status report which meets the requirements or a RAM completion statement which meets the requirements by 6/26/14. Further, a final response action outcome statement for the site is due by 6/26/15, or if appropriate, a remedy operation status by that same date 6/26/15. Under today's Amendment, payment of \$2,000 is required with \$4,610 suspended.

5/9/14: MassDEP entered into a Consent Order with the city of Marlborough for Drinking Water violations. Today's Order provides an enforceable schedule for upgrading the Marlborough Water Department's community public water system including permitting and installing treatment of the source water to comply with the provisions of the Drinking Water regulation's for surface water treatment rule. The city also agreed to correct violations at this public water system that were identified in a recent sanitary survey inspection and will correct Water Management Act violations, and provide public notice for past water quality violations. This

action will ensure that the approximately 38,000 residents served by this system will continue to receive water that is safe and fit to drink.

5/9/14: MassDEP entered into a Consent Order with an \$8,630 Penalty involving The Amory, LLC, for Waste Site Cleanup violations in Roxbury. A site inspection revealed land use changes including pavement and new concrete sidewalk in the area of what has been designated an activity and use limitation' area. MassDEP's subsequent review of the case found that work done in February 2008 involved the removal of concrete slabs within the AUL area and the excavation of up to 195 cubic yards of soil. In addition, construction of a new sidewalk at the rear of 75 Amory Street required the lifting and removal of concrete pavement in that area during the winter of 2010 and in September 2012. MassDEP determined that no soil management plan (SMP) or health and safety plan (HASP) were prepared in violation. Also, the work that was done was not supervised by any Licensed Site Professional in 2008, 2010, or 2012. The AUL requires that the activities which are likely to result in removal and/or rupture of the pavement in the AUL area and/or disturbance of the soil beneath the pavement require the prior development of a SMP and HASP by this Licensed Site Professional. Accordingly, the respondent violated the regulations and failed to adhere to the AUL. As a result of the violation, the respondent was assessed an \$8,630 penalty which will be paid within 45 days.

5/8/14: MassDEP entered into a Consent Order with Eagle Hill School Foundation, Inc. for Water Pollution Control violations in Hardwick. The Eagle Hill School is required to bring the school's wastewater system into compliance through construction of either a groundwater discharge permit facility or a connection to the Hardwick Municipal sewer system.

5/8/14: MassDEP entered into an Amendment to an existing Consent Order with October Mountain Estate LLC for Water Pollution Control violations in the Amendment pertains to the construction of wastewater upgrades at the Eastover Resort in Lenox. The facility has operated at a reduced level while it explored options for wastewater treatment and the new schedule reflects the planned construction.

5/7/14: MassDEP entered into a Consent Order with a \$6,450 Penalty involving One Stop Gas Station for Waste Site Cleanup violations at 1194 Kempton Street in New Bedford. There had been a threat of release of oil in February 2013 at this location, and MassDEP issued the respondent a notice of noncompliance for having failed to complete the response actions in a timely manner as specified in the state regulation. Additionally, it was discovered that the respondent had also failed to complete response actions in a timely manner for other releases at the site. Today's Order contains a \$6,450 Penalty and establishes negotiated timelines for completion of work at the site.

5/7/14: MassDEP entered into a Consent Order with a \$1,865 Penalty involving Taunton Stove Company, Inc. for Air Quality and Hazardous Waste management violations in Dighton. MassDEP inspected the Taunton Stove Company Inc. relative to Air, Hazardous, Toxic Use Reduction Act and Industrial Waste Water found the company had failed to comply with recordkeeping requirements for volatile organic compounds and hazardous air pollutant emissions established in their comprehensive plan application approval and exceeded their generation limits for hazardous waste. The total penalty is \$1,865.

5/7/14: MassDEP entered into a Consent Order with a \$6,665 Penalty involving Devlin Automotive, Inc., for Waste Site Cleanup violations in Hanson. The property is a former service station located at 203 Liberty Street in Hanson. The company failed to submit a five-year periodic review opinion of what is a 'temporary solution' relative to cleanup measure for each of two releases at the site. Today's Order requires deliverables including the submittal of the two overdue reports. Today's Order further ensures that existing site conditions will be assessed, and that any necessary remedial actions will be undertaken and establishes timelines for future submittals leading towards final site closure.

5/7/14: MassDEP entered into a Consent Order with a \$17,215 Penalty involving North Attleborough Commerce Center in North Attleboro. This is a former industrial site at 21 East Street in North Attleboro. The site is the location of the former L.G. Balfour Company, Inc. A penalty in the amount of \$17,215 was assessed for failure to maintain phase five remedy operation status. The deliverables now include submittal of a tier classification extension, and a phase two remedial alternatives report with risk characterization. Today's Order further ensures that existing site conditions will be assessed, and that any necessary remedial actions will be undertaken. In addition, the Order establishes timelines for future submittals.

5/7/14: MassDEP entered into a Consent Order with a \$1,625 Penalty involving Concord Foods, Inc. for Hazardous Waste Management violations in Brockton. The facility was found to be operating, or acting out of status as a small quantity generator (SQG) of hazardous waste, exceeding its registered status as very small generator amounts. Today's Order requires the violator to come into compliance with the management standards and generation limits applicable to the facility's registered status.

5/6/14: MassDEP entered into a Consent Order with a \$60,750 Penalty involving Sean Blair for Wetlands violations at 887 Haverhill Street in Rowley. The violations included the aforementioned property and land on an adjacent lot in Rowley. MassDEP inspected the site as a result of a complaint made to the Rowley Conservation Commission and observed various activities, including a recently constructed roadway, clearing of trees and vegetation, construction of a stable and paddock, and stockpiling of cut trees, stumps and debris. The activities were conducted in multiple areas of the site without prior authorization and resulted in the filling and alteration in multiple areas of the site totaling approximately 1,000 square feet of 'land under waterbodies' and waterways, 2,827 square feet of bordering land subject to flooding, 52 linear feet of 'bank' and 15,578 square feet of bordering vegetated wetland, and 12,689 square feet of riverfront area. Today's Order requires full restoration of all wetland resource areas with long-term monitoring and reporting. The document also contains a penalty of \$7,500 paid plus \$53,750 suspended upon full compliance over the next six years.

5/2/14: MassDEP entered into a Consent Order with a \$25,890 Penalty involving Intercontinental Fund III for Waste Site Cleanup violations at 48 Woerd Avenue in Waltham. As owner of the property for waste site cleanup violations, the LLC was cited for failure to comply with the terms of the Activity and Use Limitation on the site and excavating more than 20 cubic yards of contaminated soil without submitting a release abatement measure plan. A deadline was established that will return the site to compliance with the submittal of a RAM plan and completion statement documenting the excavation work conducted by 6/1/14. In addition,

Intercontinental Fund III 48 Woerd Avenue LLC has agreed to pay a \$10,000 Penalty, with an additional penalty of \$15,890 suspended, pending full compliance.

April 2014

4/29/14: MassDEP entered into an Amendment to an existing Consent Order with Rediker Software, Inc. in Hampden. MassDEP concluded the Amendment in response to bacteria detections and corrective action work undertaken at the Rediker Software facility, a public water system. Today's Amendment establishes response actions and a new 12-month period for disinfection installation if multiple detections of bacteria occur during that time.

4/29/14: MassDEP entered into a Consent Order with Jeffrey Glaze for Water Supply violations in Charlemont. The action was taken in response to multiple bacteria detections, and the corrective actions undertaken and required at the Warfield House Restaurant, which serves as a public water system. Today's Order establishes response actions and their documentation to MassDEP and a 12-month period for disinfection installation if multiple detections of bacteria occur during that time.

4/28/14: MassDEP entered into a Consent Order with a \$3,723 Penalty involving the Franklin Paint Company Inc. for Industrial Wastewater, Hazardous Waste Management and Air Quality violations in Franklin. The company did not follow good engineering practices with regard to the exhaust stacks for their dust collection systems, discharged boiler blow-down to the ground without a permit, as well as failure to properly label a hazardous waste oil accumulation container. In addition to the Penalty, the company is required to comply with applicable regulations. Today's Order will help ensure the company complies with applicable regulations going forward.

4/28/14: MassDEP entered into a Consent Order with a \$16,137.50 Penalty involving Modern Manufacturing for Asbestos violations in Worcester. The violations were found during an inspection of a window replacement project the company was conducting at a high rise residential building in downtown Worcester in October 2013. MassDEP observed that dry, friable asbestos containing window caulking and glazing had been improperly removed, handled and stored inside an occupied unit at the property. Under the terms of the settlement the company will pay \$10,000 of the Penalty with the balance suspended provided that they have no further violations for one year.

4/28/14: MassDEP issued 37 Notices of Noncompliance to Underground Storage Tank facility owners/operators for failing to have the required third-party inspections completed by their respective due dates through 12/31/13. MassDEP has given the offenders 45 days to return to compliance. Those facilities that fail to comply with the regulations will be subject to additional enforcement measures, including financial penalties. UST facility owner/operators are required to hire MassDEP-approved third-party inspectors (TPIs) to inspect a regulated tank system every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST TPI](#)

4/28/14: MassDEP entered into a Consent Order with Coleman Manufacturing Company, Inc.

for Waste Site Cleanup violations at 48 Waters Avenue in Everett. This former manufacturing facility had failed to submit a Response Action Outcome statement (RAO) within the required deadline established in a Notice of Noncompliance issued by MassDEP on 4/11/13. A new deadline has been established in today's Order which will allow the responsible party to return to compliance by submitting the RAO Statement or Remedy Operation Status submittal by 9/19/14.

4/28/14: MassDEP entered into a Consent Order with Health and Education Services Inc. for Waste Site Cleanup violations at 162 Federal Street in Salem. Specifically, violations were due to the failure to meet deadlines set out in a Notice of Noncompliance issued by MassDEP on 10/1/13. Today's Order requires an immediate response actions status report which meets the requirement and an immediate response action completion statement which meets the requirements by 7/30/14. Also phase two report which meets the requirements and if applicable, a phase three report for the site which meets the requirements by 7/30/14. Finally a phase four report for the site which meets the requirements will be submitted by 10/1/15 and a final response action outcome statement for the site, which meets the requirements or if appropriate, a remedy operation status which meets the requirements by 8/5/15.

4/24/14: MassDEP issued a Unilateral Order to Borden Light Marina, One Ferry Street in Fall River for Wetlands violations. Borden Light Marina was cited for violations of a Superseding Order of Conditions (SOC) issued on 10/24/13. Borden Light Marina failed to conduct a pre-construction meeting for all of the parties involved in the appeal for the SOC, failed to provide the parties with a construction schedule, failed to install erosion control barrier as required by the Special Conditions of the SOC; and stockpiled supplies adjacent to Mount Hope Bay as prohibited by the Special Conditions of the SOC. Today's Order requires Borden Light Marina to cease & desist from any construction activities until such time as the pre-construction meeting was held and the other Special Conditions were complied with in accordance with the SOC.

4/24/14: MassDEP entered into a Consent Order with a \$15,000 Penalty involving Redevco, LLC for Asbestos violations in Russell. MassDEP discovered the violations while responding to a complaint regarding the improper removal of asbestos transite siding at the old Strathmore Paper Mill on Woronoco Road in Russell. During the inspection, MassDEP found that Redevco had removed asbestos transite siding from the building without instituting the proper asbestos-handling procedures and was in the process of improperly disposing of the asbestos waste. Redevco was ordered to clean-up the property, including the proper removal, handling and disposal of the asbestos containing material. Redevco has agreed to pay the penalty and to comply with the regulations.

4/24/14: MassDEP entered into a Consent Order with a \$6,000 Penalty involving the Hayden Roofing Company for Asbestos violations in Orange. MassDEP determined during an inspection of the Orange Innovation Center in Orange that Hayden Roofing Company had removed asbestos transite siding from the building without instituting the proper asbestos-handling procedures. Hayden Roofing Company was ordered to clean-up the property, including the proper removal, handling and disposal of the asbestos containing material. Hayden has agreed to pay the \$6,000 Penalty.

4/23/14: MassDEP entered into a Consent Order with a \$6,000 Penalty involving Savage Arms, Inc. for Hazardous Waste Management, Industrial Wastewater, Air Quality and Toxic Use

Reduction Act (TURA) violations. The violations included not conducting combustion efficiency tests on two boilers, not making hazardous waste determinations, not filing hazardous waste manifests correctly and discharging greater than 50,000 gallons per day of industrial wastewater to the sewer system without a permit. The facility also did not file and report under the TURA. Savage cooperated with MassDEP and responded quickly to address the violations. As part of the settlement agreement, Savage will pay \$4,000 of the Penalty and MassDEP has agreed to suspend the additional \$2,000 pending Savage's compliance with the terms of the agreement.

4/23/14: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Monro Muffler & Brake, Inc. for Hazardous Waste Management and Industrial Wastewater violations at its West Springfield location. The violations included not keeping an aboveground waste oil storage tank closed and the discharge of oily wastewater to the ground. Monro cooperated with MassDEP, and responded quickly to address the violations and the spill. Under today's Order, the company has agreed to conduct an environmental audit at its stores located in Berkshire, Franklin, Hampshire and Hampden counties. As part of the settlement agreement, Monro will also pay \$1,500 of the Penalty and MassDEP has agreed to suspend the additional \$1,500 pending Monro's compliance with the terms of the agreement.

4/23/14: MassDEP entered into a Consent Order with an \$8,630 Penalty involving 8-14 Forest Street, LLC, for Waste Site Cleanup violations in Medford. A site inspection by MassDEP, which was done as part of an audit of the cleanup actions at the site, revealed that an in-situ chemical oxidation (ISCO) pilot test had recently been completed. MassDEP's subsequent review of the case found that none of the work was done under any response action plan, and the phase three report submitted, had not evaluated ISCO as a remedial option. Under the regulations, a pilot test is defined as follows: a test designed to acquire information on the anticipated performance of a remedial system. A pilot test shall be considered assessment if it is conducted and completed within 21 consecutive days, excluding time required for sample analyses, and involves only soil vapor, non-aqueous phase liquid and/or groundwater extraction, otherwise it shall be considered remediation. As a result of the violation, the respondent will pay \$2,500 of the Penalty and the remaining \$6,130 will be suspended.

4/23/14: MassDEP entered into a Consent Order with a \$30,100 Penalty involving J.J. & R. Realty Trust for Asbestos violations in North Billerica. MassDEP responded to a complaint of improper asbestos removal at 11 Esquire Road in North Billerica. MassDEP observed during an inspection of the site that asbestos-containing material had been improperly removed and handled by the respondent. Asbestos-containing waste material was removed and placed in a roll-off container at the site. As a result of the violations observed by MassDEP the respondent will pay \$5,000 and \$25,100 will be suspended for a period of one year. The small business policy was utilized in reaching this agreement.

4/22/14: MassDEP entered into a Consent Order with Middlesex County Foundation, Inc. for Water Supply violations in Ashby. Today's Order contains an enforceable schedule to provide an approved transient non-community public water system to serve Camp Middlesex, located at 1031 Erickson Road in Ashby. Today's Order requires the owner to operate the on-site wells that supply water to the camp in accordance with the requirements for a TNC-PWS. Today's Order also requires the owners to remove one of their wells from service, and obtain prior approval

from MassDEP for any future expansion or modification of the PWS. This action will ensure that anyone served by this PWS will receive water that is safe and fit to drink.

4/22/14: MassDEP entered into a Consent Order with a \$17,250 Penalty involving the city of Cambridge for Water Pollution Control violations. MassDEP took the action after it was determined the city of Cambridge is responsible for a discharge of wastewater under dry weather conditions from its combined sewer overflow to Alewife Brook. Today's Order includes a \$17,250 Penalty and requires the city to deploy monitoring equipment at the CSO location, and to provide an alarm notification when this CSO is actively discharging.

4/22/14: MassDEP entered into a Consent Order with a \$3,961 Penalty involving Main Street Automotive, Ltd. for Waste Site Cleanup violations at 492 Main Street in Stoneham. The company had Underground Storage Tank (UST) and Air Quality (vapor recovery) violations at this location. Randomly chosen, MassDEP initially inspected the facility on 11/17/11 and issued a Notice of Noncompliance for underground storage tank and vapor recovery violations. Randomly chosen by MassDEP a second time on 9/9/13, the facility is in continued noncompliance with MassDEP's Underground Storage Tank (UST) and Air Quality (vapor recovery) regulations. Today's Order now requires Main Street Automotive, Ltd. to pay \$1,000 of the Penalty (the penalty amount was reduced under MassDEP's small business policy. Today's Order requires Main Street Automotive, Ltd. to correct all violations and remain in compliance with the requirements. MassDEP has agreed to suspend the remaining \$2,961 penalty for one year if the company remains in compliance.

4/22/14: MassDEP issued a \$26,660 Penalty Assessment and Unilateral Order to Rockland Industries 255 Plymouth Street in Middleborough for environmental violations. The respondent is required to submit a tier classification extension, an immediate response action plan designed to assess the ecological risk to the wetlands at the site, a phase four (remedy implementation plan) and a final response action outcome statement. The respondent failed to comply with a 9/6/13 Notice of Noncompliance which was sent along with a Notice of Enforcement Conference establishing 3/26/14 to discuss the respondent's failure to comply. Rockland Industries failed to attend the conference.

4/18/14: MassDEP entered into a Consent Order with a \$30,100 Penalty involving the town of Burlington for Asbestos violations. MassDEP responded to a notification that improper asbestos removal and handling had occurred at the Pine Glen School Building at 1 Pine Glen Way in Burlington. MassDEP observed during an inspection of the site that asbestos-containing material had been improperly removed and handled by the respondent. Asbestos-containing waste material was removed from the site and improperly disposed. As a result of the violations, the respondent will pay \$5,000 and the remaining \$25,100 will be suspended for a period of two years.

4/18/14: MassDEP issued a Unilateral Order to Northborough for Wetlands violations. The Order requires the DPW to stop alteration of wetland resource areas at its garage located at 190 Main Street in Northborough. MassDEP inspectors observed gully erosion of an embankment causing deposition of soil into bordering vegetative Wetlands. Today's Order requires the town to install erosion control measures to stabilize soils at the site, hire a qualified environmental consultant to develop a slope-stabilization plan and hire a wetlands specialist to evaluate the

extent of wetlands alterations and develop a restoration plan. Further, the town must submit those plans to MassDEP for review and approval. This action will stop further Wetland resource area damage and result in restoration of the impacted area. Additional enforcement with penalty assessment is anticipated.

4/18/14: MassDEP issued a Notice of Noncompliance to Northeast Utilities Service Company, Worcester (nee, NSTAR Electric & Gas Corporation) concerning excessive idling of an unattended John Deere front-end loader outside a restaurant. The company has informed MassDEP that corrective action included training all 70 NUSCO employees at the Worcester and Southborough, locations with similar training sessions planned for other NUSCO facilities. Additionally, they are piloting an assigned daily "idling monitor" as its Worcester Service Center to conduct idling inspections during operating hours. A company-wide newsletter was issued to New Hampshire, Massachusetts and Connecticut NUSCO employees detailing idling requirements and reminding them that regulatory officials are citing companies for idling.

4/17/14: MassDEP entered into an Amendment to an existing Consent Order with Martidis Pizza, Inc. for Water Supply violations in Granby. Today's Order follows a report of bacteria detections and corrective action work undertaken at the Pizza Palace, a public water system. The amendment establishes new response actions and a new 12-month period for disinfection installation if multiple detections of bacteria occur during that time.

4/16/14: MassDEP issued a Unilateral Order to Jessica Jeannenot for Wetlands violations in Hadley. Jeannenot must cease and desist from cutting in the Riverfront Area of the Connecticut River. MassDEP issued the order after receiving a complaint from an abutter and a request for assistance from the Hadley Conservation Commission. Additional inspections and action are anticipated.

4/15/14: MassDEP entered into an Amended Consent Order with a \$14,000 Penalty involving Thomas J. Hill and Veronica M. Hill for Wetlands violations in Tewksbury. The violations involve wetlands resource area located at 20 Squire Lane in Tewksbury. The original Order required a penalty payment of \$4,000 in certain payments and the balance of \$10,000 to be suspended. It also required wetland restoration and long term monitoring and reporting. Hill performed the restoration and only a portion of the monitoring and reporting. Hill also failed to pay any of the penalty payments. Today's amended Order requires submittal of a final monitoring report and a request for return to compliance letter. Additionally, Hill is required to pay \$4,000 in a newly structured payment plan with the remaining \$10,000 suspended upon final compliance with the Order.

4/15/14: MassDEP issued a Boil Water Order to the Girl Scouts of Central and Western MA, Inc. for Water Supply violations in Spencer. Initially, the Order was issued verbally on 4/12/2014. The respondent is the owner and operator of a transient non-community water system, Camp Laurelwood, at 17 Buteau Road in Spencer. The water system notified MassDEP that sampling had confirmed positive tests for total coliform and e coli. bacteria in the system. The system is in noncompliance with the monthly (and acute) maximum contaminant level for total coliform, which may pose an acute risk to public health from short term exposure. Through today's Order the respondent is required to provide public notice to boil the water until further notice and disinfect the water supply system. Today's Order also requires the water system to provide

disinfection of the water source, conduct additional sampling, perform corrective actions, submit reports as outlined, provide an updated distribution map to MassDEP, and comply with the Ground Water Rule as it pertains to treatment requirements. The Boil Order was lifted on 4/15/2014 by MassDEP. Additional requirements of today's Order remain in effect. This action will protect the approximately 100 customers served by this system.

4/15/14: MassDEP entered into a Consent Order with an \$8,630 Penalty involving Siemens Healthcare Diagnostics, Inc., for Air Quality and Hazardous Waste Management violations in Canton. A multi-media inspection by MassDEP revealed that they were accumulating hazardous waste at the site of generation in excess of the prescribed accumulation period, failed to properly label containers of hazardous waste, failed to provide all necessary emergency coordinator information in the emergency contingency plan, and failed to record every weekly inspection of the hazardous waste accumulation area. Siemens Healthcare Diagnostics, Inc. failed to apply for a required 'limited plan approval' to control the greater than one ton per year of volatile organic compound emissions from its production activities. Siemens Healthcare Diagnostics, Inc. was not in full compliance with its plan approval(s) as an emergency generator was installed with an exhaust stack of the incorrect length and failed to maintain required record-keeping. In addition, Siemens Healthcare Diagnostics, Inc. failed to conduct annual efficiency testing on the facility's eight boilers and submit an accurate source registration. Today's ensures compliance with the all appropriate requirements.

4/14/14: MassDEP issued a Unilateral Order to Patrick Leighton for Wetlands violations in Hadley. Today's Order requires Leighton to cease and desist from cutting in the 'riverfront area' of the Connecticut River. MassDEP issued the order after receiving a complaint from an abutter and a request for assistance from the Hadley Conservation Commission. Additional inspections and action are anticipated.

4/11/14: MassDEP entered into an Amendment to an existing Consent Order with the town of Petersham for Water Supply violations in Petersham. In response to bacteria detections and corrective action work undertaken by the town, MassDEP initiated and concluded today's Amendment to establish new response actions and a new 12-month period for disinfection installation if multiple detections of bacteria occur during that time.

4/11/14: MassDEP entered into an Amendment to an existing Consent Order with Hilltown CDC for Water Supply violations in Chesterfield. MassDEP initiated and addressed today's Amendment to address elevated nitrate above the maximum contaminant level and a new deadline for completing corrective actions.

4/9/14: MassDEP issued a Boil Water Order to Finecamp KOA of Webster for Water Supply violations. Initially, the order was issued verbally on 4/5/2014. The respondent is the owner and operator of a transient non-community water system at Webster Family Campground, 106 Douglas Road in Webster. The system operator notified MassDEP that a routine bacteria sample from the facility tested positive for e coli. bacteria. Required repeat sampling was not conducted properly, however, the source water for the supply tested positively for total coliform. This system is in noncompliance with repeat monitoring requirements, monthly (and acute) maximum contaminant level under the total coliform rule, which may pose an acute risk to public health from short term exposure. Through today's Order, the respondent is required to provide public

notice to boil the water until further notice and disinfect the source, as well as the distribution system. Today's Order also requires the system operator to conduct additional sampling, perform corrective actions, submit reports as outlined, and provide an updated distribution map to MassDEP. Today's Order was lifted on 4/9/2014 by MassDEP; the additional requirements of the UAO remain in effect. This action will protect approximately 50 customers served by this system.

4/9/14: MassDEP issued a \$1,000 Reporting Penalty Assessment Notice to eleven (11) Dry Cleaners under the Non-Filer Enforcement Initiative. These dry cleaners located across the state failed to submit their 2013 annual Environmental Results Program (ERP) certification that was due as of 9/15/13. All of these facilities were issued \$500 RPANs within the previous two years for not filing their annual certifications on time, so by failing to do so last year, they became repeat violators. MassDEP gave these dry cleaners 21 days to return to compliance by submitting their overdue certifications and paying the penalties they have been assessed. More information: [ERP-Dry Cleaners](#)

4/9/14: MassDEP entered into a Consent Order with the Housatonic Water Works Company for Water Supply violations in Great Barrington. The Order addresses the water system's copper levels, which are above the 'Action Level' and the system's subsequent failure to conduct certain follow-up sampling required and failure to complete certain reports required to be submitted to MassDEP. Today's Order also requires water quality sampling and reporting, a report on the possible causes for the elevated copper and corrective action options and a report of the calculations conducted with the sample results.

4/7/14: MassDEP entered into a Consent Order with a \$17,050 Penalty involving Empire Today LLC for Asbestos violations in Cambridge. MassDEP responded to a complaint from the West Cambridge Pediatric & Adolescence Medicine Center of improper asbestos handling at 575 Mount Auburn Street in Cambridge. MassDEP observed during an inspection of the site that asbestos-containing material had been improperly removed and handled by the respondents' third party vendor. The improperly packaged asbestos containing waste material was removed from the site and brought to a location in Framingham. As a result of the violations observed by MassDEP, Empire Today, LLC will pay \$12,700 and \$4,350.00 will be suspended for a period of one year pending compliance with the regulations.

4/7/14: MassDEP entered into a Consent Order with a \$112,725 Penalty involving Nealcase Inc. for Asbestos violations in Waltham and Malden. MassDEP responded to a complaint from the owner of 59 Augustus Road, in Waltham, about possible improper asbestos removal and visible emissions at the residential location. MassDEP observed during an inspection of the Waltham Site that asbestos containing material had been removed and handled dry causing visible emissions which entered the living space of the residence via breaches in the containment. In addition, MassDEP personnel determined that the respondent failed to notify MassDEP of the full scope of the project. MassDEP responded to a complaint alleging that notifications filed by the respondent for work at Malden Catholic High School, 99 Crystal St., in Malden, did not represent all of the respondent's work at said location. MassDEP personnel determined that the respondent failed to notify the Department of the full scope of the projects and failed to remove asbestos contaminated plastic sheeting used during the abatement process from the Malden Site as required by the regulations. In addition, during the investigation MassDEP determined that the

respondent failed to pay the required filing fee at multiple other sites. The respondent will pay \$20,000 and \$92,725 will be suspended for a period of three years. Financial ability to pay the penalty was a factor in reaching this agreement.

4/7/14: MassDEP entered into a Consent Order with a \$76,000 Penalty involving Nealco Too Inc. for Asbestos violations in Malden. MassDEP responded to a complaint alleging that notifications filed by the respondent for work at Malden Catholic High School, 99 Crystal St., in Malden did not represent all of the respondent's work at said location. MassDEP determined that the respondent failed to notify the Department of the full scope of the projects and failed to remove asbestos contaminated plastic sheeting used during the abatement process from the Malden Site as required by the regulations. As a result of the violations observed by MassDEP, the respondent was assessed a \$76,000. The entire Penalty will be suspended for a period of three years; financial inability to pay the penalty was a factor in reaching this agreement.

March 2014

3/31/14: MassDEP issued a \$17,455 Penalty Assessment Notice to Sherrill Gould for Waste Site Cleanup violations in Groton. Sherrill Gould, of Littleton, Massachusetts, owns a property on Mill Street in Groton, which was formerly a repair garage and unpermitted junkyard. Lead and polychlorinated biphenyls (PCBs) were first identified in the soil at the property in January 2000. In March 2013, a contractor for Gould began site work to construct a residence at the property. The contractor excavated soil in two areas that had previously been determined by Gould to be contaminated. Gould failed to submit a RAM Plan and performed the work without the oversight of a Licensed Site Professional (LSP). Gould also failed to manage the contaminated soil properly. MassDEP held an initial enforcement conference with Gould, but was unable to negotiate a consent order, leading to today's Unilateral Order.

3/31/14: MassDEP issued a Unilateral Order to the city of Gloucester for Water Pollution Control and Wastewater Management violations for failing to adequately maintain pump stations. The pump stations are located at the Department of Public Works, and Goose Cove. MassDEP had conducted an announced inspection of several city-owned pump stations. Among other issues, the two stations noted above were heavily corroded from hydrogen sulfide gas and posed immediate health and safety problems. Specifically, the Goose Cove pump station's wet-well ventilation is inoperable. Hand-held gas detection meters registered alarms for hydrogen sulfide and did not subside while we were on-site to allow for safe entry. The wet well door was badly corroded and propped shut with a steel bar. The pump station at the DPW wet-well door is also severely corroded and totally unsecured to unauthorized access. There is no fencing or other gates to prevent someone from opening the wet well door and gaining direct access. Other issues were also identified. Today's Order directs the city to fix the ventilation and install new doors immediately. Work to be completed no later than 4/7/14. Additional enforcement action to bring the facility into compliance will be pursued.

3/30/14: MassDEP issued 50 Notices of Noncompliance as part of the Underground Storage Tank (UST) Enforcement. MassDEP issued the Notices to the facility owner/operators for failing to have UST third-party inspections completed by their respective due dates through 8/31/13. MassDEP gave the offenders 45 days to return to compliance. The facilities that fail to complete inspections will be subject to additional enforcement measures, which could include financial

penalties. The facility owner/operators are required to hire MassDEP-approved third-party Inspectors (TPIs) to inspect their tank systems every three years. TPIs report their findings to the agency. While they also provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. MassDEP also issued standard penalty assessment notices (SPANs) to another ten UST facility owner/operators for failing to respond to their initial NONs. More information: [UST Program](#)

3/30/14: MassDEP issued 24 Notices of Noncompliance to facilities relative to Enforcement of the Commonwealth's Waste Ban on disposal of materials. Among the 24 entities are retail stores, companies, waste haulers and solid waste facilities. These were cited for disposing or transferring for disposal various materials that are subject to waste disposal bans in Massachusetts regulations. Among the waste bans are wood and construction debris, cardboard, and other recyclable materials and/or yard wastes. The violators were given 30 days to provide MassDEP with a written description of each action taken to correct the violations cited in their notices of noncompliance including status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

3/28/14: MassDEP entered into a Consent Order with a \$15,050 Penalty involving Pan Am Railways Inc., for Asbestos violation at 1700 Iron Horse Park in North Billerica. MassDEP responded to a complaint from the Billerica Fire Department about the improper handling of asbestos. MassDEP observed during an inspection of the site that asbestos-containing debris was mixed with fire debris and exposed to ambient air at the site. MassDEP determined that the fire had occurred more than a month prior to the complaint response. Respondents failed to properly remove and handle asbestos-containing materials mixed with building debris resulting from a structure fire at the site. As a result of the violations observed by MassDEP, the will pay \$10,700 and \$4,350 will be suspended for a period of one year pending demonstrated compliance.

3/28/14: MassDEP entered into two separate Consent Orders relative to the Cecil Smith Landfill on Old Fall River Road in Dartmouth. The orders center on the assessment and closure of the 25-acre, privately owned, inactive unlined Cecil Smith Landfill located at 452 Old Fall River Road, Dartmouth. The final closure design plan will reduce the proposed volume of grading and shaping materials by 174,000 cubic yards (-16%) and the peak landfill height by 20 feet (-25%). One enforcement document is a Consent Order with \$168,000 Penalty, which was entered into with the landfill owner (Mary Robinson). This will address past violations of the provisions of the Solid Waste Regulations for not closing/capping the unlined inactive landfill, and not monitoring/maintaining the landfill, as well as for having allowed unpermitted activities to take place on the landfill. This Order also serves as a means to resolve a previously issued Unilateral Order for which compliance was not achieved. The payment of the Penalty by the owner will consist of two (2) facets: one facet will be payment of \$42,000 to the Commonwealth, and the other facet will be the creation of a Supplemental Environmental Project (SEP) fund in the amount of \$126,000. Under this SEP and with input from the town of Dartmouth, the projects may include work that mitigates impacts to the town of Dartmouth's residents, or the town infrastructure that are affected by activities approved under this Order. Projects may also include those that provide additional environmental protection or remediation measures. The Order also provides for stipulated penalties for future noncompliance with the terms of the Order. The second enforcement document for today is a Consent Order which was jointly entered into with both the property owner (Mary Robinson) and Boston Environmental Corporation ("BEC"), and

pertains to the establishment of the terms, conditions and compliance schedule for closing/capping the landfill. Under this Order, the landfill will be closed/capped by BEC on behalf of the owner, within a four (4) year timeframe through the implementation of MassDEP's "Revised Guidelines for Determining Closure Activities at Inactive Unlined Landfill Sites". Revenue generated will be from the delivery/use of 926,000-cubic yards of approved landfill closure grading/shaping materials and processed construction and demolition materials. This revenue will be used to pay for the assessment and capping of landfill and to establish a 30 year post-closure monitoring & maintenance fund that would be administered by an independent third party, during the post-closure period, and after the landfill is capped. The Order also provides for stipulated penalties for future noncompliance with the terms of the Order.

3/26/14: MassDEP entered into a Consent Order with a \$23,760 Penalty involving, S&R Corporation for Wetlands and Surface Water Discharge violations in Lowell. The violations occurred on property at 706 Broadway Street in Lowell. Responding to a complaint about silt and trash-laden snow being dumped into the Pawtucket Canal in Lowell, MassDEP inspected the area and confirmed that snow containing silts and other debris was piled in the canal at the base of the canal wall adjacent to the property. The pile was similar and located in the same location as was observed in 2007. The 2007 observations resulted in MassDEP issuing a Unilateral Order that specifically required the company to cease the activity, and conform to the MassDEP snow disposal guidance. Under today's Order, the S&R Corporation will conform to the snow disposal guidance and with a comprehensive O&M plan developed for the property. The company will also pay \$5,000 with the remaining \$18,760 suspended pending compliance with the terms of the Order over the next three years.

3/26/14: MassDEP entered into a Consent Order with Southwick-Tolland-Granville Regional School District for Water Pollution Control, (septic system) violations in Southwick. STGRD operates and failed to properly address the wastewater system at the school. A Title 5 inspection discovered that the design flow for the School Campus exceeded 15,000 gallons per day. In addition, the school is planning an expansion and extension of the municipal sewer system to serve the campus. Today's Order includes a requirement for submitting a detailed schedule for the construction of the sewer connection and interim measures to monitor the existing system to protect the public health.

3/26/14: MassDEP entered into a Consent Order with a \$3,000 Penalty involving T&H Truck Sales for Solid Waste violations in Chicopee. T&H Truck Sales failed to properly address the burial of approximately 30 cubic yards of solid waste on their property in Chicopee. The waste has been assessed and removed for proper disposal and recycling. T&H Truck Sales will pay the \$3,000 Penalty.

3/26/14: MassDEP issued a Demand for an \$8,312.50 Penalty to Envirogreen, LLC, for violations in Pittsfield. Envirogreen, LLC of Jamaica Plain, had been cited for violations discovered during a MassDEP inspection at 161 Second Street in Pittsfield. At that location, damaged transite siding and incomplete cleanup and disposal of the transite siding was found at the site. Envirogreen, LLC had been entered into a Consent Order to address similar violations in 2013. The company in that earlier Order had a suspended penalty in the amount of \$8,312.50. Today's demand requires the payment of that \$8,312.50 suspended penalty.

3/24/14: MassDEP entered into a Consent Order with Drive-O-Rama, Inc., for Waste Site Cleanup violations at 342 Main Street in Dennisport. MassDEP entered into a Consent Order with the individuals that own this property at 342 Main Street, Dennisport. There had been a release of oil and hazardous materials in June 2013 at this location, and MassDEP issued the respondent a Notice of Noncompliance (NON) for having failed to complete the response actions in a timely manner as specified in the state regulation. The respondent requested additional time in which to comply with the NON. Today's Order establishes negotiated timelines for completion of work at the site and contains stipulated penalties should the respondent fail to comply.

3/24/14: MassDEP entered into a Consent Order with a \$12,650 Penalty involving Mill River Watertakers Association, Inc. for Water Supply violations in New Marlborough. Mill River Watertakers Association, Inc. is the owner of a community public water system. Today's Order addresses repeated violations of the drinking water regulations, specifically the requirement to maintain and document the specific chlorine residual for the system on multiple days and failure to develop a capital improvement plan and asset management plan for the system. The water supplier will pay \$1,000 of the Penalty and MassDEP has agreed to suspend the remaining \$11,650 pending compliance with the provisions by the respondent.

3/24/14: MassDEP entered into a Consent Order with a \$7,500 Penalty involving Condron Real Estate LLC for Wetlands violations in Lanesborough. Condron Real Estate LLC will address the alteration of approximately 11,000 square feet of riverfront area and the placement of fill in approximately 1,000 square feet of bordering vegetated wetland on the land of Condron and an abutter in Lanesborough. Condron agreed to restore the altered riverfront area and BVW area, in addition to developing a stormwater plan to manage stormwater for activities at the site, which are outside the resource areas. Condron agreed to pay \$2,500 of the Penalty, and MassDEP will suspend the remaining \$5,000 provided the requirements of the Order are met.

3/21/14: MassDEP entered into a Consent Order with the city of Fall River Water Division for Water Supply violations in Fall River, specifically exceeding the running annual average for trihalomethanes (THM's) during the third and fourth quarters of 2013. THM's are disinfection byproducts formed when certain disinfectants, chlorine in this case, react with organic matter. The city has taken actions to reduce THM's in their water. Today's Order requires the city to conduct an engineering study and formulate options to prevent future elevated THM levels.

3/21/14: MassDEP entered into a Consent Order with a \$17,700 Penalty involving Pittsfield Pipers, Inc. for Asbestos violations in Pittsfield. The violations were discovered during a MassDEP inspection of Pittsfield City Hall where Pittsfield Pipers had performed maintenance on December 3, 2011. Damaged insulation was found at the site. In addition to remediating, or properly cleaning, the site, Pittsfield Pipers, Inc., has fully cooperated with MassDEP. The response party has agreed to train its employees in asbestos awareness. The penalty of \$17,700 will be suspended provided there are no further violations of the regulations.

3/21/14: MassDEP issued a Declaration of Water Emergency to Northland Cliffside LLC in Sunderland. Northland Cliffside LLC is the owner of a large residential apartment complex and community public water system. The wells serving this public water supply failed, leaving

residents without water, so Northland Cliffside LLC petitioned for today's declaration. MassDEP's Order authorizes the use of bottled or bulk water or the activation of the emergency interconnection with Sunderland Water District. The interconnection was brought into service for this public water supplier.

3/20/14: MassDEP entered into a Consent Order with the town of Southampton Water Commissioners for repeated occurrences in which elevated levels of total coliform (bacteria) were detected in its public water supply system in Southampton. Today's Order includes response actions, including disinfection, should multiple detections of total coliform and/or other violations of the total coliform rule occur within the next twelve months

3/19/14: MassDEP issued a Unilateral Order to Waubeeka Springs Good Will Water Association, for repeated elevated levels of total coliform (bacteria) within its water supply system in Williamstown. Today's Order includes requirement for certain response actions, including disinfection in the event there are multiple detections of total coliform within the next twelve months. Today's Order also requires a list of current service connections.

3/19/14: MassDEP entered into a Consent Order with a \$27,464 payment of penalty and back compliance fees involving Karl Storz Endovision, Inc., for Air Quality and Hazardous Waste Management violations in Charlton. Karl Storz Endovision, Inc. failed to comply with the regulations at its facility that manufactures high resolution endoscopic instruments. Violations discovered during inspections and record reviews included having the potential to emit volatile organic compounds ("VOCs") and hazardous air pollutants ("HAPs") at major threshold quantities without an air quality approval. Hazardous waste violations included acting as a large quantity generator of hazardous waste (lead waste) while classified as a small quantity generator. Under the terms of today's Order, Karl Storz Endovision, Inc. agreed to submit an Air Quality Plan approval that will restrict air emissions to non-major thresholds, correct all hazardous waste violations, and pay \$27,464 in penalties and back compliance fees.

3/18/14: MassDEP entered into a Consent Order with the town of Dartmouth for Water Supply violations at 751 Allen Street in Dartmouth. The town of Dartmouth's Water Division exceeded the running annual average for trihalomethanes (THM's) during the third quarter of 2013. THM's are disinfection byproducts formed when certain disinfectants, chlorine in this case, react with organic matter. The town has taken actions to reduce THM's in its water supply. Today's Order requires the town to conduct an engineering study and formulate options to prevent future elevated THM levels.

3/18/14: MassDEP entered into a Consent Order with a \$2,880 Penalty involving Calorique, LLC for Air Quality and Hazardous Waste Management violations in West Wareham. Calorique, LLC was determined to be in violations following a multi-media inspection by MassDEP revealed that they had not certified compliance as a midsize printer in the Environmental Results Program (ERP). The facility is not meeting the cleanup solution standard and record-keeping requirement of the ERP Printers Program. Calorique, LLC was not in full compliance with their plan approval limits. In addition, Calorique, LLC had shipped hazardous waste using the incorrect generator number. Today's Order ensures compliance with the Hazardous Waste and Air Quality control requirements.

3/18/14: MassDEP entered into a Consent Order with a \$30,000 Penalty involving John Martins for Waste Site Cleanup violations at 859 Washington Street in Attleboro. At that location, a release of oil and hazardous materials occurred, and in March 2010, MassDEP issued the respondent a Notice of Noncompliance (NON) for having failed to conduct response actions at the site in accordance with state regulations. The respondent requested additional time in which to comply with the NON. In January 2011, MassDEP entered into a Consent Order with the respondent to establish negotiated timelines for the completion of necessary response actions at the site. The respondent has failed to submit the required phase four remedy implementation plan and final response action outcome (closure) by the dates established in that Consent Order. Today's Order contains a \$30,000 Penalty for failing to submit the work by the dates established. Today's Order further establishes negotiated timelines for completion of the required work at this site.

3/17/14: MassDEP issued a Unilateral Order to Northeast Behavioral Health Corporation (formerly Health And Education Services, Inc.) for Water Pollution Control violations in Topsfield. The Northeast Behavioral Health Corp. is the owner and operator of Nike Village, a residential community for the treatment of physically and/or mentally afflicted clients in Topsfield. Today's Order requires immediate actions to be taken to cease the discharge of an active sanitary sewer overflow (SSO) from the on-site wastewater pump station and take corrective actions to repair/replace all failed components. Both pumps were in failure mode, on-site visual and audible alarms had been turned off, components for appropriate alarm notification to responding staff had been terminated and the site was unsecured. The pump station terrain drains to and directly abuts the watershed of a public drinking water supply. The Topsfield Fire Department, responding to a medical aide call on Sunday 3/9/14, reported the SSO to the Topsfield Board of Health. MassDEP was not made aware of the situation by the BOH until three days later. The SSO was actively discharging during MassDEP's inspection on 3/13/14. Four years prior, on 4/22/10, MassDEP executed a Consent Order with HES, Inc. (the respondent at that time) for the same facility and the same violations. Additional enforcement actions will be undertaken.

3/14/14: MassDEP executed a Consent Order with a \$17,260 Penalty involving Hurley/Readville Realty Co., LLC, for Waste Site Cleanup violations at 8 Industrial Drive in Readville. Hurley/Readville Realty Co., LLC specifically violated the Activity and Use Limitation (AUL) attached to this property which is located in the Readville section of Boston. A notice of noncompliance was issued on 6/26/13. Hurley/Readville failed to respond to this notice. Today's Order requires Hurley/Readville to pay \$10,630 of the Penalty with the remainder suspended pending compliance, the correcting of all violations and remaining in compliance with the requirements. MassDEP has agreed to suspend that portion of the penalty for one year if the company remains in compliance.

3/14/14: MassDEP entered into a Consent Order with a \$1,970 Penalty involving Keystone Automotive Enterprises for, Hazardous Waste Management violations in Taunton. The Compliance and Enforcement program issued a Notice of Noncompliance to Keystone Automotive Enterprises, located at 250 John Hancock Street in Taunton. On 12/12/13, MassDEP conducted a multi-media inspection of keystone and cited Class I (acting out of status) and Class II violations relating to hazardous waste management.

3/14/30: MassDEP issued 19 Notices of Noncompliance to separate dental facilities under the Dental Amalgam Mercury Recycling Enforcement measure. Each received a \$500 Penalty for failing, after repeated reminders and warnings, to certify compliance with the regulations by 6/15/13. Each of these dental facilities had to demonstrate that they installed and were operating approved amalgam separator systems to eliminate mercury from their wastewater discharges. Dental facilities that use mercury amalgam are required to do this every five years. MassDEP issued notices of noncompliance (NONs) to a number of non-filers in December 2013, giving them 30 days to submit their overdue certifications and fee payments of \$460 per facility. The 19 cited last month never responded. The agency gave these violators 21 days to return to compliance, and pay both their overdue fees and penalties, or risk higher-level enforcement, including penalties of up to triple the amount they have been issued to date. More information: [Amalgam Recycling](#)

3/13/14: MassDEP entered into a Consent Order with the International EC, LLC, for Water Supply violations in Granby. International EC, LLC, is the owner of the MacDuffie School, a community public water system. Today's Order addresses repeated violations of the lead and copper rule requirements, specifically multiple monitoring violations, and levels of copper in excess of the regulatory action level. Today's Order specifically entails a number of pro-active response actions that will be taken to address the violations.

3/13/14: MassDEP issued a Demand for a \$100 Penalty to Stockbridge Sportsmen's Club, Inc., for Water Supply violations in Stockbridge. The Penalty amount was a provision in a previously established Consent Order. Specifically, the respondent installed a disinfection system that MassDEP has determined does not meet regulatory requirements and failed to submit a permit for a disinfection system. The payment of the stipulated penalty is now required.

3/13/14: MassDEP issued a Demand for a \$1000 Penalty to the Town of Petersham for Water Supply violations in Petersham. The Penalty amount was a provision in a previously established Consent Order. Specifically, the respondent has not reported to MassDEP that it has installed disinfection as required and has not submitted a permit application for a disinfection system. Payment of the stipulated penalty is now required.

3/11/14: MassDEP entered into a Consent Order with the city of Westfield for Surface Water discharge violations in Westfield. MassDEP concluded the Order with the City of Westfield to address a Sanitary Sewer Overflow (SSO) in the city. Today's Order requires the city to report all future SSOs, analyze past SSOs for patterns and areas of chronic problems, develop a system for timely SSO reporting and submit an Inflow and Infiltration Control Plan.

3/11/14: MassDEP entered into a Consent Order with Robert and Jacqueline Spielman for Wetlands violations in Lenox. MassDEP concluded today's Order with Robert and Jacqueline Spielman to address the alteration of 11,436 square feet of Wetlands at the Spielman's residence prior to acquisition of the property by the Spielmans. The violation was identified in the process of permitting proposed work at the site. The Spielmans have submitted, and the Department approved, a plan for the restoration of the altered wetlands at the site.

3/11/14: MassDEP entered into a Consent Order with Aquarius Water Company, Inc., for Water Supply violations in Belchertown. Aquarius Water Company, Inc. is the owner of the

Sportshaven Mobile Home Park, which operates a community public water system in Belchertown. Today's Order was issued to address the company's failure to correct deficiencies identified at this public water system during its sanitary survey in order to address multiple total coliform rule violations, and to obtain and retain the services of a certified operator. Today's Order includes specific requirements that the respondents to take corrective actions respond to total coliform detections and obtain the services of a certified operator.

3/11/14: MassDEP issued a \$580 Penalty Assessment Notice to Aquarius Water Company, Inc. for Water Supply violations in Belchertown. Aquarius Water Company, Inc. is the owner of the Sportshaven Mobile Home Park which serves as a community public water system in Belchertown. The total penalty amount was \$580, of which \$290 was assessed for failure to submit the 2012 Annual Statistical Report for Sportshaven Mobile Home Park, and \$290 of which was issued due to failure to distribute and submit the 2012 Consumer Confidence Report and its certification. MassDEP issued prior notices of noncompliance and Unilateral Order.

3/10/14: MassDEP entered into a Consent Order with a Consent Order with Saint-Gobain Containers, Inc. for Air Quality violations in Milford. Today's Order will allow the facility that manufactures glass bottles to conduct preliminary construction for the installation of control equipment, furnace upgrades, improved air pollution control equipment, emission reductions and increased emission monitoring as have been ordered by the US EPA in a Global Consent Decree ("GCD") with 12 Saint-Gobain facilities (intervenors) nationwide that violated the Clean Air Act. Compliance with the requirements and the deadlines within the GCD will be met. However, pre-construction site work such as electrical line upgrades, site remediation, excavations and existing equipment relocations are needed to prepare for the installation of new equipment that include selective catalytic reduction, electrostatic precipitator, semi-dry scrubber, baghouses, and new stack (exhaust/ventilation).

3/7/14: MassDEP entered into a Consent Order with Safdie Architects LLC for Waste Site Cleanup violations in Somerville. Safdie Architects LLC, is the owner of the property at 100 Properzi Way in Somerville. Specifically, the violations were for failure meet deadlines already noted by MassDEP when it issued a Notice of Noncompliance on 7/23/13. Today's Order requires a release abatement measure status report which meets the requirements, and a RAM completion statement which meets the requirements by 5/15/14. In addition, a phase two assessment report which meets the requirements and if applicable, a phase three remedial alternatives analysis report for the site which meets the requirements by 8/15/14. And, a phase four remedial plan selection report for the site which meets the requirements by 2/28/15 and a final response action outcome statement or a remedy operation status which meets the requirements by 8/1/15.

3/7/14: MassDEP entered into a Consent Order with Vidal Garcia to address Waste Site Cleanup violations at 528 Washington Street in (Dorchester) Boston. Specifically, violations were for failure meet deadlines set out in a prior Consent Order dated 5/12/09. Today's Order now requires a tier two extension submittal which meets the requirements in three days or by 3/10/14. By the end of this month, or 3/31/14, an Immediate Response Action (IRA) status report will be submitted, which meets the requirements, or alternately, an IRA completion statement which meets the requirements. Thereafter, a phase two assessment report which meets the requirements and if applicable, a revised phase remedial alternatives report for the site which meets the

requirements by 7/31/14, and a revised phase four report for the site which meets the requirements by 9/30/14 along with a final response action outcome statement for the site, which meets the requirements or, if appropriate, a remedy operation status submittal, which meets the requirements.

3/7/14: MassDEP entered into a Consent Order with a \$2,000 Penalty involving Weir Redevelopment Company LLC for Waste Site Cleanup violations in Taunton. The company is the owner of 336 Weir Street, Taunton, a site where there has been a release of oil and hazardous materials. MassDEP issued the respondent an Notice of Noncompliance for having failed to maintain the property in accordance with the terms and conditions of an Activity and Use Limitation (AUL) that earlier had been recorded for this property. The respondent did not comply or respond to the NON. Today's Order contains a \$2,000 penalty for failing to respond to MassDEP's original NON.

3/6/14: MassDEP entered into a Consent Order with Rediker Software, Inc. for Water Supply violations in Hampden. MassDEP concluded the Order with Rediker Software, Inc. to address repeated violations of the Maximum Contaminant Level for total coliform at this, a transient public water system (PWS). Today's Order addresses the required response actions, including disinfection, should another elevated level of total coliform bacteria result in a violation within the next twelve months.

3/5/14: MassDEP entered into a Consent Order with an \$8,728 Penalty involving JBS Retailers, Inc. for Underground Storage Tank and Air Quality (vapor recovery) violations at 52 Meridian Street in East Boston. MassDEP randomly inspected the facility on 5/13/11 and issued a Notice of Noncompliance for underground storage tank and vapor recovery violations. Randomly chosen by the MassDEP for a second time, the facility again on 6/26/13, showed this station is in continued noncompliance with MassDEP's Underground Storage Tank (UST) and Air Quality (vapor recovery) regulations. Today's Order requires JBS Retailers, Inc. to pay \$4,364 and to correct all violations and remain in compliance with the requirements. MassDEP has agreed to suspend the remaining \$4,364 penalty for one year if the company remains in compliance.

3/4/14: MassDEP executed a Consent Order with a \$9,625 Penalty involving 3 Park Drive Operations LLC, for Water Pollution Control (septic system) violations. The company is the operator of Westford House at 3 Park Drive in Westford. The company, which is based in Kennett Square, Pennsylvania, operates Westford House, a nursing home, where the septic system serving the House is failed, and is causing break out onto the surface of the ground. In addition, 3 Park Drive Operations LLC failed to have this large septic system (which falls under MassDEP jurisdiction) inspected once every five years as required by Title 5. Under the terms and conditions of the Order, the existing septic system will be visually observed daily to ensure that there is no breakout onto the surface of the ground and the septic system. The system will be pumped as often as needed to prevent breakout or backup until such time as an upgrade system is designed, approved and installed. The system upgrade shall be completed by December 2014. In addition, the respondent has agreed to pay the \$ 9,625 Penalty which shall be fully suspended pending demonstrated compliance with the Order.

3/4/14: MassDEP entered into a Consent Order with an \$860 Penalty involving Cotton Tree Service, Inc. for Waste Site Cleanup violations in Northampton. On 7/2/13, MassDEP

responded to a release of an unknown amount of hydraulic fluid at the Montague Town Hall parking lot off Avenue A in Turners Falls. Cotton was performing tree removal work at the property, and a hydraulic hose on equipment being utilized ruptured. MassDEP inspected the site on that day, confirmed that a reportable release had occurred, and issued a Notice of Responsibility to Cotton. Cotton initiated cleanup on that date, however, Cotton failed to submit a Release Notification Form and an Immediate Response Action Plan to the Department, and also failed to respond to a Notice of Noncompliance that was issued on 9/25/13. In addition to today's Penalty, the Consent Order requires that Cotton retain a Licensed Site Professional to submit either an Immediate Response Action Plan or final Response Action Outcome (closure) statement within thirty days.

3/4/14: MassDEP issued a \$290 Penalty Assessment Notice to Aquarius Water Company, Inc. for Water Supply violations in Hinsdale. Aquarius Water Company, Inc. is the owner of the Ashmere Water Service community public water system in Hinsdale. The Penalty in the amount of \$290 was issued due to Aquarius Water Company, Inc.'s failure to submit the 2012 Annual Statistical Report for Ashmere Water Service in violation of the regulations. Prior to issuing the PAN, MassDEP issued a Notice of Noncompliance and a Unilateral Order requiring the submittal of the 2012 Annual Statistical Report.

3/4/14: MassDEP issued a Demand for a \$100 Stipulated Penalty to V's Dog House, LLC, in Lanesborough. MassDEP issued a demand for payment to V's Dog House, LLC for the stipulated penalty associated with its violation of an earlier Consent Order. Specifically, the respondent failed to submit a permit for a disinfection system it was required to install pursuant to the earlier Consent Order, and the disinfection system installed does not meet regulatory requirements. Payment of the stipulated penalty of \$100 is required.

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2/28/14: MassDEP entered into a Consent Order with a \$30,000 Penalty involving 28 Andover Street LLC for Waste Site Cleanup violations at 28 Andover Street in Andover. Specifically, the violations were due to the respondent's failure to meet deadlines set out in a previous MassDEP Consent Order as executed on 7/5/12. Today's Consent Order requires a tier two extension submittal, a phase four remedy implementation status report by 2/28/14 and a final response action outcome statement by 12/31/15. The respondent will pay \$6,000 of the Penalty with the remaining \$24,000 suspended with a stipulated penalty provision for any missed deadlines.

2/28/14: MassDEP entered into a Consent Order with Gellar's Auto Repair, 506 State Road in Plymouth. MassDEP entered into a Consent Order with the individuals that own Gellar's Auto Repair (a former gas station) at 506 State Road, Plymouth, from which there had been a release of oil and hazardous materials. In June 2012, MassDEP issued the respondents a notice of noncompliance (NON) for having failed to complete the response actions that were established in the Consent Order in a timely manner. The respondent had requested additional time in which to comply with the NON and then requested technical assistance from MassDEP. Today's Order establishes negotiated timelines for completion of work at the site and contains stipulated penalties should the respondent fail to comply.

2/28/14: MassDEP entered into a Consent Order with a \$15,000 Penalty involving 7-131/2 Nantasket Avenue in Hull from which there has been a release of oil and hazardous materials. In April 2012, MassDEP issued the respondent a notice of noncompliance (NON) for having failed to complete the response actions that were established in the NON and in a timely manner. The respondent did not comply or respond to the NON. Today's Order establishes negotiated timelines for completion of work at the site and contains a \$15,000 penalty for failing to respond to MassDEP's original NON.

2/27/14: MassDEP entered into a Consent Order with an \$18,700 Penalty involving Brewer Plymouth Marine for Chapter 91 Waterways violations at this facility which included the unauthorized placement of floats and a floating breakwater, and the construction of boat racks and building expansion located within an area of historically filled tidelands. Today's Order requires the marina to submit a new Chapter 91 License Application to bring the entire facility into compliance. Today's also requires the marina to do improvements which will enhance public access to and along the waterfront will also pay \$18,700 to be paid within 30 days and \$18,700 suspended pending compliance.

2/26/14: MassDEP entered into a Consent Order with Dan D'Arcy for Water Supply violations in Granby. D'Arcy operates an unregistered public water system at the 47-49 West State Street in Granby. This represents a violation of the Massachusetts Drinking Water Regulations. Today's Order includes the required steps to take to bring the facility into compliance, including registration, operator, water quality monitoring, Emergency Response Planning, source evaluation and modifications, source protection and water quantity limitation requirements.

2/25/14: MassDEP entered into a Consent Order with a \$7,400 Penalty involving Virginia Carrolo for Waste Site Cleanup violations at 307 Center Street in Ludlow. Today's Order was due to the failure to comply with a Notice of Noncompliance which requires submittal of status reports for the site's active sub-slab depressurization system (SSDS)? The SSDS is operated here along with a portion of which is currently operating as Carmon Cleaners. The SSDS is being operated to control chlorinated volatile organic compound (CVOC) vapors from entering the building. An historic release of CVOCs resulted from solvent spills at the site from past operations. Under today's Order, the entire Penalty of \$7,400 is suspended, but requires that Carrolo continue to operate the existing SSDS and submit status reports every six months. The Order also requires that additional assessment of indoor air be conducted in the two remaining commercial spaces within the site building.

2/25/14: MassDEP issued a Demand for \$145 Penalty to Glacier Water Services, Inc., in Northampton. MassDEP issued a demand for payment of the suspended penalty, specifically due to the respondent's failure to complete its public notification requirement and for its failure to monitor and report chlorine residuals. Both of these represent violations of a previous agreement spelled out in a Consent Order with MassDEP.

2/25/14: MassDEP was notified that Suffolk Superior Court had issued a temporary restraining order (TRO) to David Padellaro/Merrimack Street Redevelopment Authority LLC in Lawrence. The company owns the former Merrimack Paper site. Today's TRO was issued to Padellaro prohibiting him from conducting illegal demolition and metal salvaging that releases asbestos at the property with the exception of a MassDEP approved plan to finish demolition work at the

fire-damaged buildings, in accordance with asbestos, waste cleanup, and hazardous materials laws, as ordered by the City of Lawrence. On 2/25/14, the judge granted the Attorney General Martha Coakley's office a motion for a preliminary injunction for the same activity and motion to attach any non-exempt real or personal property that Padellaro may have in order to prevent Padellaro from transferring assets that may be used to pay for the court ordered demolition activities.

2/25/14: MassDEP reached a Final Settlement Agreement with a \$995 Penalty involving Edward Leahy for Water Supply violations in Holden. Edward Leahy of Holden has agreed to correct the violations of the Title 5 Water Pollution Control regulations. MassDEP personnel determined that Leahy performed at least twenty-one (21) inspection of Title 5 (septic system) inspections after his certification as a Title 5 system inspector had lapsed. Today's Order requires Leahy to cease and desist from performing any further inspections that require approval as an approved Title 5 System Inspector until he attends training and passes a standard examination prepared and administered by MassDEP or one of its authorized agents and pay the \$995 Penalty. This action will ensure the public is served by professionals who bear current valid certification.

2/24/14: MassDEP issued Notices of Noncompliance to forty-two (42) owners and/or operators of Underground Storage Tanks (UST) in the Commonwealth. The respondents failed to have UST third-party inspections completed by their respective due dates (through 8/31/13). MassDEP had given the offenders forty-five (45) days to return to compliance. The offenders who failed to do so will now be subject to additional enforcement, including financial penalties. UST facility owner/operators are required to have their tank systems inspected every three years by MassDEP-approved third-party Inspectors (TPIs) who are hired by the UST owners. TPIs report their findings to the agency. While they provide advice to their clients about compliance issues, but TPIs are not authorized to enforce laws and regulations. More information: [UST TPI](#)

2/21/14: MassDEP entered into a Consent Order with a \$24,000 Penalty involving Hull Forest Lands, LP, for Wetlands violations in Williamsburg. The company's violations were related to the expansion of a gravel pit into the riverfront area on Hull's property in Williamsburg. A review of MassGIS aerial photographs revealed that a gravel pit at this site had been expanded into the riverfront area of the Mill River and Rogers Brook (which are cold water fisheries). Site activities also involved the clearing of vegetation and excavation of soil within approximately one acre of riverfront area. Upon learning of the violation, Hull has developed a detailed restoration plan and worked with MassDEP to reach a resolution that provides for the full restoration of the impacted riverfront area in spring 2014 and payment of \$13,800 with the remaining \$10,200 suspended contingent upon Hull's compliance with the requirements of the Order.

2/21/14: MassDEP issued a Unilateral Order to Grapevine Grill for Water Supply violations in Belchertown. Upon notification from this public water supply's laboratory that the public water supplier had sample results that showed nitrate levels collected for the first quarter of 2014 had exceeded the drinking water standard. Today's Order was issued to address immediate actions, including public notice, confirmation sampling (PWS had already arranged for this) and additional investigation, and the necessary corrective actions. The public notice requires notice to ensure that water is not provided to infants six months of age or younger (0-6 months old).

2/21/14: MassDEP entered into a Consent Order with a \$6,035 Penalty involving SP Machine, Inc. d/b/a Tessier Machine Company, Inc. in Hudson for Hazardous Waste Management violations. The company accumulated hazardous waste in excess of timeframes allowed under its registered status and failed to comply with other requirements. Today's Order requires the company to comply with applicable regulations and pay the \$6,055 Penalty.

2/21/14: MassDEP entered into a Consent Order with a \$5,678 Penalty involving Whitewater, Inc. for Ground Water and Surface Water Discharge violations in Acton. The violations occurred at the North Acton Treatment Corporation's wastewater treatment operation in Acton. Whitewater, Inc. is the contract operator. MassDEP personnel inspected a pump station at the facility in response to a call by Whitewater, Inc., to report a sanitary sewer overflow (SSO). The inspection revealed a malfunction at the pump station, and the pump station had an inadequate alarm system. Whitewater, Inc. determined that the malfunction was due to employee misconduct and corrected the problem quickly. Today's Order requires Whitewater, Inc. to inspect all pump stations at wastewater facilities it has under contract, and report any deficiencies to the pump station owner and MassDEP for corrective action, and to develop and submit to MassDEP for review and approval, a Standard Operating Procedure for inspection of the other pump stations, and it will include a log sheet and checklist for inspectors. This action will result in the proper treatment of 5,000 gallons of wastewater per day.

2/20/14: MassDEP entered into a Consent Order with E. C. Realty Trust for Water Supply violations in Ashby. Today's Order contains an enforceable schedule to provide an approved public water supply system - a transient non-community public water system - to serve the Route 31 Store, located on Fitchburg State Road in Ashby. In order to operate the public water system, the owner is required to operate the on-site well that supplies water to the store in accordance with all the requirements for a PWS which includes: hiring a certified operator; metering of water usage; developing a coliform sampling plan; completing cross-connection requirements; carrying out monitoring requirements; carrying out upgrades as identified; submitting permit applications as identified; and developing an Emergency Response Plan. This action will ensure that anyone served by this PWS will receive water that is safe and fit to drink.

2/19/14: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Waste Water Environmental Management, Inc. of Chelmsford for Water Pollution Control violations. The company failed to resolve wastewater violations that occurred at Woodlands Village at Hickory Hills Lake Condominium's wastewater treatment facility in Lunenburg. Waste Water Environmental Management is the contract operator at this facility. MassDEP inspected the condominium's facility and found that the plant was not being correctly operated and maintained by the company. Evidence of sewage breakout onto the ground was observed due to poorly maintained equipment at the facility. Plans and an operation and maintenance manual for the facility were not present on site as required by the permit. Under today's Order, the company has agreed to develop a checklist for all components of the facility's operation and maintenance and to keep a copy of that checklist on-site. The company has also agreed to provide similar compliance sampling schedule for all The other facilities it has under contract, and to allow MassDEP the opportunity to inspect, and sample those operations. MassDEP will ensure that documentation, plans and O&M manuals are on-site and that adequate staffing exists at all these

other facilities that the company has under contract. The company will pay a \$3,000, and today's agreement will result in the proper treatment of 12,500 gallons of wastewater per day.

2/18/14: MassDEP entered into a Consent Order with a \$1,000 Penalty involving James DeOrsey, Jr. for Waste Site Cleanup violations in Grafton. DeOrsey failed to meet deadlines for cleanup response actions at DeOrsey's Garage in Grafton. MassDEP was notified of a release of gasoline from an underground storage tank at this facility in 1997 and the contamination was later classified as a tier two cleanup site in 1998. None of the following was submitted however: a phase two assessment, remedy alternatives, a remedy implementation and a final response action outcome. In January 2013, MassDEP accepted DeOrsey's assertion of financial inability status. Today's Order establishes a schedule and requires DeOrsey to complete response actions upon expiration of financial inability status. A \$1,000 penalty is suspended pending completion of response actions in accordance with today's Order.

2/17/14: MassDEP was notified of results in Worcester District Court involving James Dias who was charged with illegal dumping of Solid Waste in Bellingham. The case was pursued by the Bellingham Police, Worcester County District Attorney's Office and MassDEP's Environmental Strike Force (ESF). The Worcester County District Attorney, working with the Bellingham Police and ESF. Dias of Milford was arrested for illegal disposal of solid waste and entered a plea of sufficient facts for a finding of guilty in Milford District Court. Dias was fined \$5,000 and placed on four years probation. In addition, the truck used in the dumping was impounded and forfeited and Dias is required to obtain and maintain full-time documented employment as condition of probation. Bellingham Police began an investigation after receiving a complaint that large quantities of solid waste had been dumped along a power line right-of-way. They contacted the ESF who installed several remote covert cameras at the site. The cameras captured a license plate and a man, later identified as Dias, emptying solid waste from his truck. Bellingham police staked out the dump site the next day and arrested Dias with a truckload of solid waste. The property owner contracted with a private company to remove and properly dispose of over 50 tons of solid waste.

2/14/14: MassDEP entered into a Consent Order with a \$5,908 Penalty involving Pharmasol Corporation for Hazardous Waste Management violations in Easton. MassDEP had already issued a Notice of Noncompliance to Pharmasol Corporation, on 8/14/13 for the facility located at 1 Norfolk Avenue in Easton. At that time, MassDEP personnel conducted a multimedia inspection of Pharmasol Corporation and cited repeat class two violations relative to the facility's hazardous waste management.

2/11/14: MassDEP entered into a Consent Order with a \$4,867 Penalty involving A-Plus Waste & Recycling Services, LLC, Middleborough for Solid Waste violations. The company specifically violated the former regulation that governed leaf and yard waste composting. A-Plus Waste & Recycling Services, handled compost materials in such a manner as to cause off-site nuisance odor conditions, an unpermitted discharge to the air. A-Plus Waste & Recycling Services, LLC has been assessed a penalty in the amount of \$4,867.

2/11/14: MassDEP issued a Unilateral Order to Herring Cove Condominiums Trust (HCCT) for Water Supply violations in Plymouth. MassDEP issued a Unilateral Do Not Drink Order for the public water supplier due to an elevated level of perchlorate in the drinking water supply of

HCCT. Today's Order applies only to the sensitive population, pregnant women, nursing mothers, infants, children up to the age of 12, and individuals with hypothyroidism. These groups should not consume drinking water containing concentrations of perchlorate that exceed the maximum contaminant level of 2.0 parts per billion (ppb). The measured concentration was 3.2 ppb. On February 8, MassDEP verbally informed HCCT to take corrective action, and notify its consumers, HCCT immediately gave public notice to all residents MassDEP will work with the system to investigate the source and mitigate the impacts. HCCT currently has 5 out of 15 units occupied and no individuals of the sensitive population were identified. HCCT will provide bottled water to the sensitive population if discovered. The area is also served by numerous private wells and notice was given to the local board of health. MassDEP will work with the system to investigate the source and mitigate the impacts.

2/10/14: MassDEP entered into a Consent Order with a \$1,500 Penalty involving Charles A. Parlee and Jeanne L. Parlee for Wetlands violations at 4 Proctor Road in Chelmsford. The respondents own the property at 4 Proctor Road in Chelmsford. In response to a complaint, MassDEP inspected the property, conducted soils sampling, and in association with the Chelmsford Conservation Commission agent, determined approximately 22,000 square feet of bordering vegetated wetlands (BVW) had been filled. Today's Order requires payment of the \$1,500 Penalty and further that a total of 34,200 square feet of BVW will be restored and/or replicated on the property and done under long-term monitoring and reporting requirements.

2/7/14: MassDEP entered into a Consent Order with a \$23,000 Penalty involving Easton MHC, LLC for Groundwater violations in Easton. Easton MHC, LLC was cited for failing to comply with an existing Order and for violating the same regulations. Easton MHC, LLC is the owner of a 122 unit manufactured home community in Easton which is served by a permitted wastewater treatment facility. Easton MHC LLC violated the Department's discharge permit regulations and the terms of its groundwater discharge permit by exceeding effluent flow limits, failing to contain effluent within the leaching field and failing to properly operate and maintain the treatment works. Today's Order requires Easton MHC to implement the corrective measures identified in an Infiltration & Inflow investigation. The investigation has already revealed there are numerous deficiencies in the sewage collection system which allow groundwater and storm water to enter the system and cause an excess flow along with breakouts at the leaching field. Easton MHC, LLC will pay \$11,500 of the Penalty with the remaining \$11,500 suspended contingent upon compliance with today's Order.

2/7/14: MassDEP entered into a Consent Order with Susan and Gene Kosinski of Westfield for Water Supply violations. Susan and Gene Kosinski are the owners of Kosinski Farm, which serves as a transient non-community public water system. Today's Order was due to repeated elevated levels of total coliform (bacteria) that exceeded the maximum contaminant level at the Kosinski Farm public water system. Today's Order includes the necessary response actions in the event that there are multiple detections of total coliform within the next twelve months.

2/7/14: MassDEP entered into a Consent Order with the town of Williamsburg for Water Supply violations concerning its community public water system. Today's Order addresses the repeated incidents in which elevated levels of total coliform (bacteria) exceeded the maximum contaminant level at the Williamsburg Water Department, which is a public water system.

Today's Order includes directions regarding its temporary disinfection treatment, and further response actions if MassDEP allows the removal of the disinfection treatment and multiple detections then re-occurred within the following twelve months.

2/4/14: MassDEP was notified by the Massachusetts Attorney General Martha Coakley's Office that a Consent Agreement with a \$125,000 Penalty had been reached involving Allied Recycling Inc, & Recycling Walpole LLC, for environmental violations. Allied is located at 1901 Main Street in Walpole. The site was originally inspected by MassDEP in 2009 under the Department's Wetland Change Initiative. The complaint identified and alleges that 62,760 square feet of bordering vegetated wetlands and 176 linear feet of bank had been altered since 1988 and these altered wetlands were also subject to conservation restrictions. Under the consent judgment, Allied must restore and/or replicate 72,793 square feet of BVW. The complaint also alleges that Allied received construction and demolition waste and wood waste without a permit and failed to properly dispose of materials containing Asbestos. The consent judgment requires Allied to assess the historic and recent solid waste at the site and develop and submit to MassDEP a Solid /Special Waste characterization protocol to properly dispose of the solid and asbestos-containing waste, and correct any handling, storage or reporting of oil or hazardous waste materials at the site. A \$100,000 Penalty will be paid, with \$25,000 suspended upon full compliance with terms of the agreement. This case's settlement was achieved through partnership among MassDEP and the Massachusetts Attorney General's Office.

2/4/14: MassDEP entered into a Consent Order with a \$30,860 Penalty involving Lord Jeffery Apartments (LJA) in Belchertown. The owners of LJA, Herbert G. Berezin and Gerard F. Doherty, failed to address violations related to a release of oil in 2006 that impacted soil, groundwater and wetlands. This entity repeatedly failed to meet deadlines for assessment and cleanup of an oil spill at the apartment complex, and further that there was failure to meet the applicable performance standards as outlined in the remedy implementation plan that had been submitted in March 2013. LJA will pay \$10,000 of the \$30,860 Penalty, with the balance suspended provided they remain in compliance with today's Order. Today's Order also establishes deadlines for submittal of an immediate response action status report, a revised phase four remedy implementation plan, and implementation of the comprehensive response action within 180 days.

2/4/14: MassDEP entered into a Consent Order with a \$5,000 Penalty involving Balise Motor Sales Company for Hazardous Waste violations at a Balise Motor Sales Company facility at 440 Hall of Fame Avenue in Springfield. On July 25, 2013, MassDEP emergency response personnel responded to a release of greater than 10 gallons of gasoline and 10 gallons of waste motor oil at Balise Chevrolet Buick GMC facility at 440 Hall of Fame Avenue in Springfield. The release occurred when employees of Balise - in the process of removing debris from a waste storage area - punctured four drums that contained waste oil and gasoline. The drums had been stored in an outside solid waste storage area with no containment, and were not labeled as containing hazardous waste as required by the regulations. In addition to paying the penalty and conducting the cleanup, Balise also agreed the need to re-train its employees on the requirements of its existing environmental obligations specified in an Environmental Management System (EMS). This entity had specifically enacted an EMS as a result of a 2004 Consent Order with MassDEP.

2/1/14: MassDEP during the month of February issued Waste Ban Enforcement Orders to twenty-six (26) entities. These include retail stores, companies, waste haulers and solid waste facilities who took part in the disposal and/or transfer for disposal, certain materials that have been specifically banned. The items on the banned list in Massachusetts at landfills or incinerators include wood and construction debris, cardboard, yard waste, and other recyclable materials. The violators were given 30 days to provide MassDEP with its written plan, a description of how each corrective action will be taken to correct the violations cited in the notice of noncompliance that MassDEP issued. The plan will include status reports on these efforts to achieve and/or maintain compliance with the waste ban regulations. More information: [Waste Bans](#)

January 2014

1/31/14: MassDEP issued 41 Notices of Noncompliance to owners/operators of Underground Storage Tank facilities in the Commonwealth. The facility owner/operators failed to have UST inspections completed by the respective due dates (which were in either June or July of 2013). The agency gave the offenders 45 days to return to compliance. The facilities that fail to do so will be subject to additional enforcement measures, including possible financial penalties. The UST facility owner/operators are required to have their tank systems checked every three years by MassDEP-approved third-party inspectors (TPIs) they hire. TPIs report their findings to the agency. While they provide advice to their clients about compliance issues, TPIs are not authorized to enforce laws and regulations. More information: [UST-TPI](#)

1/29/14: MassDEP entered into a Consent Order with the town of Hancock regarding Water Supply violations in Hancock specifically to address repeated violations of the maximum contaminant level for total coliform at the Hancock Elementary School public water system. Under today's agreement, the public water supplier has installed disinfection and will report to MassDEP regarding the ability to meet compliance with its permit and will not discontinue disinfection unless MassDEP approves of such action.

1/29/14: MassDEP executed a Consent Order with a \$30,000 Penalty involving Mohammad Al Omari for Waste Site Cleanup violations at 454 Water Street in Wakefield. Mohammad Al Omari is the owner and/or operator of the property at 454 Water Street where violations including failure to meet deadlines set out in previously-issued notice of noncompliance dated 6/12/13. Today's Order requires a tier two cleanup permit transfer and tier two extension by 2/28/14; a phase three remedial alternatives analysis report for the site which meets the requirements by 4/30/14; and, phase four remedial implementation report for the site which meets the requirements by 7/30/14. Finally, by 7/30/14, the respondent shall submit to MassDEP a response action final outcome statement or a remedy operation status which meets the requirements for the site. Under the terms of today's Order, the respondent has agreed to pay \$5,000 of the Penalty with the remaining \$25,000 suspended pending compliance with the terms of the Order and meeting all the required deadlines.

1/28/14: MassDEP entered into a Consent Order with a \$1,720 Penalty involving the Olde Farm Golf Club, LLC, for Water Supply violations in Southwick. The Olde Farm Golf Club, LLC is the owner of a non-transient non-community public water system at the Ranch Golf Club. The violations concerned water quality monitoring violations, failure to complete public notice and

failure to complete required actions following a sanitary survey. Today's Order includes corrective actions for these violations. The respondent will pay \$1,000 of the Penalty with the remaining \$720 suspended pending compliance with the provisions of today's Order.

1/24/14: MassDEP executed an Amendment to an existing Consent Order with Jacob's Pillow Dance Festival, Inc., regarding compliance with water supply regulations at its facility in Becket. The amendment to the Order concerned extending the deadlines for reducing water use or installing a new source.

1/24/14: MassDEP executed a Consent Order with a \$32,000 Penalty involving Sim Chhuon for Waste Site Cleanup violations at 1687 Middlesex Avenue in Lowell. Sim Chhuon is the owner and/or operator of the property at 1687 Middlesex Avenue where the specific violations included failure to meet deadlines established in an earlier notice of noncompliance that MassDEP issued on 5/2/12. Under today's Order, the respondent is required to submit a tier two (cleanup permit) extension by 1/31/14; submit a phase two assessment by 1/31/14; a phase three remedial alternatives analysis report by 9/13/14; a phase four remedial implementation plan by 12/30/14; and, a final response action outcome statement or a remedy operation status that meets the requirements by 7/30/15. Under today's Order, the respondent has agreed to pay \$3,000 Penalty with the remaining \$29,000 suspended pending compliance with all terms of today's Order. There is also a stipulated penalty provision for any missed deadlines.

1/24/14: MassDEP executed a Consent Order with a \$30,000 Penalty involving Donald F. Knowles Inc. for Waste Site Cleanup violations at 36 Main Street in Rowley. Specifically, the violations were a failure meet deadlines established in a notice of noncompliance MassDEP issued on 8/30/12. Under today's Order, the respondent is required to submit a final response action outcome statement or a remedy operation status that meets the requirements by 11/5/14. Also, under today's Order, the respondent has agreed to pay \$2,000 of the Penalty with the remainder, \$28,000, suspended pending compliance with the terms. There is also stipulated penalty provision for any missed deadlines.

1/17/14: MassDEP entered into a Consent Order with a \$48,800 Penalty involving the town of Avon Water Department for Drinking Water violations in Avon. Specifically, the AWD failed to restore 4-log treatment (or 99.99% disinfection) within 4 hours, failed to notify MassDEP of 15 treatment techniques failures, failure to perform the applicable public notification, and bypassing safety controls on chemical-feed pumps. This case resulted from the former AWD superintendent's guilty plea to two federal counts of knowingly submitting federally required reports to DEP that included materially false representations. On four different dates in 2010, the superintendent reported that residual disinfectant levels at two water treatment facilities in Avon met or exceeded minimum required disinfectant levels, when, in fact, the residual disinfectant levels for each of the dates was below the required level for more than four hours at each of the facilities. The former superintendent, John Tetreault, had his operator's license revoked by the state's Division of Professional Licensure and his employment with the town of Avon was subsequently terminated. Today's Order with the AWD requires the restoration of safety controls on chemical feed systems, the evaluation of existing control systems and the preparation of an evaluation report describing recommended upgrades and/or system modifications to ensure compliant chlorine residual levels. Today's Order requires the payment of \$2,000 of the Penalty with the remainder, \$46,800, to be suspended contingent upon the town's development and

implementation of an Environmental Management System (EMS) in accordance with the terms and conditions of today's Order.

1/17/14: MassDEP entered into a Consent Order with a \$23,570 Penalty involving Westboro Road Realty Trust for Solid Waste violations at Treeline Construction, Inc., and Atlantic Construction Service, Inc., in Millbury for Solid Waste violations. The violations occurred at 130 Westborough Street in Millbury. Treeline continued to store concrete, masonry and rock at the facility after a 2008 Notice of Noncompliance required removal of the material. Today's Order requires Treeline to pay the \$23,570 Penalty and immediately cease and desist the amassing of any additional solid waste and to comply with all applicable regulations. Within 30 days of the effective date of the consent order, Treeline must submit a proposed compliance plan to MassDEP for approval including the removal and lawful off-site processing and/or disposal of all solid waste currently stored by 6/30/14. Today's action will result in the removal of solid waste relative to its 2011 inspection estimates.

1/15/14: MassDEP entered into a Consent Order with a \$6,610 Penalty involving the town of Scituate, for violations at its Wastewater Treatment Facility. The town of Scituate was found to be in violation of the Surface Water Discharge Permit Regulations and the Operation and Maintenance and Pretreatment Standards for Wastewater Treatment Plants. This case involved the discharge of leachate to the ground from grit hopper cleanout of a septage holding tank and the failure to maintain existing de-watering systems. Of the \$6,610 Penalty, Scituate will make a payment of \$1,652 and conduct a Supplemental Environmental Project which is in the amount of \$4,957. This SEP involves the upgrade work necessary to the industrial pumps with variable frequency drives which will result in additional energy and cost savings.

1/10/14: MassDEP entered into a Consent Order with a \$3,000 Penalty involving Lipton, Inc. for Waste Site Cleanup violations in Greenfield. Lipton, Inc., is the operator of a self-service gasoline station at 100 Mohawk Trail in Greenfield. On 9/30/12, MassDEP responded to a report from the Greenfield Fire Department that gasoline-contamination had been discovered in the storm drainage system and a small brook adjacent a Shell gasoline dispensing station at 100 Mohawk Trail. The gasoline was eventually determined to have leaked from failed piping under one of the dispensers at the station. Lipton, Inc., is the site operator, and the Estate of Helen Mackin is the site owner. The respondent have retained contractors to repair the dispenser piping, recover the gasoline, and eliminate the discharge of gasoline to the storm drainage system and brook. In addition, Mackin has continued to complete removal of the gasoline contamination from the soil and groundwater at the site, and is currently in full compliance with MassDEP's Waste Site Cleanup regulations.

1/10/14: MassDEP issued a Unilateral Order to the Sudbury Pines Extended Care, Sudbury. Under today's Order, Sudbury Pines Extended Care in Sudbury must take immediate actions to eliminate onsite septic system overflows onto the property, and to take actions to address the cause of the septic system failure. Today's Order also requires Sudbury Pines to pump the system as often as needed to eliminate the risk of further septic system overflows in the future.

1/8/14: MassDEP executed a Consent Order with a \$30,000 Penalty involving Framingham Auto Sales, Inc. for Waste Site Cleanup violations in Framingham. The company is the long term owner and operator of an auto dealership at 1200 Worcester Road, Framingham. Framingham

Auto Sales Inc. was found to be overdue for submitting a phase one assessment report and a tier classification (determining a numerical ranking detailing extent of contamination). The site was first reported on 2/16/12 after assessment of the property was done. Framingham Auto Sales Inc. has agreed to pay \$5,000 with \$25,000 of the Penalty suspended. This enforcement action will lead to the cleanup of petroleum in the area of a former heating fuel tank and in the area of a hydraulic lift.

1/7/14: MassDEP entered into a Consent Order with a \$7,000 Penalty involving the Estate of Helen Mackin for Waste Site Cleanup violations in Greenfield. Mackin is the owner of a self-service gasoline station at 100 Mohawk Trail in Greenfield. On 9/30/12, MassDEP responded to a report from the Greenfield Fire Department that gasoline-contamination had been discovered in the storm drainage system and a small brook adjacent a Shell gasoline dispensing station at 100 Mohawk Trail. The gasoline was eventually determined to have leaked from failed piping under one of the dispensers at the station. Lipton, Inc., is the site operator, and the Estate of Helen Mackin is the site owner. The respondent have retained contractors to repair the dispenser piping, recover the gasoline, and eliminate the discharge of gasoline to the storm drainage system and brook. In addition, Mackin has continued to complete removal of the gasoline contamination from the soil and groundwater at the site, and is currently in full compliance with MassDEP's Waste Site Cleanup regulations.

1/7/14: MassDEP entered into a Consent Order with a \$32,000 Penalty involving Richard C. and Pamela M. Albright for Wetlands violations at 270 Boston Street in Topsfield. The Albrights own a residential property at 270 Boston Street in Topsfield. MassDEP was requested to take over enforcement matters on this case by the local conservation commission because the Albrights had failed to fully comply with the local (and multiple) enforcement orders, and extensions (of time) for restoring a vernal pool, intermittent stream and surrounding forested bordering vegetated wetland. The original violations occurred in August of 2007 when the Albrights clear cut, excavated and graded an area of their property to build a large pond surrounded by manicured lawn. This work, in fact, had altered the bank of an intermittent stream and approximately 28,000 square feet of BVW containing a vernal pool. As such, this violation resulted in the issuance of two local orders, a restoration plan and schedule for the work. Another order was issued locally in September 2008. Although work pursuant to the plan was performed, portions of it were in noncompliance with the plan and schedule. Additionally, after planting, during the beginning "grow in" and monitoring period, the entire area of vernal pool, BVW and buffer zone was mowed. In October of 2008 the locals issued the Albrights specific written notification about their obligations under the previous orders and that any future mowing within wetlands jurisdiction required authorization. October 2009 monitoring reports and site visits confirmed that the "grow in" and hydrology of the vernal pool and surrounding BVW were successfully supporting the functional goals of the restoration. However, a July 2010 monitoring report documented that the entire area of vernal pool and BVW had again been mowed. In October 2010, the local agent observed evidence of this, the area had again been recently mowed, a violation. Subsequent negotiations with the Albrights and the TCC regarding compliance with the restoration plan and additional planting to restore forested canopy in the area proved unsuccessful. Under today's Order, the Albrights are required to bring the site into compliance with a revised comprehensive restoration plan that includes significant additional planting to restore a forested canopy and long term monitoring. The Albrights will pay \$10,000 of the Penalty and the remaining \$22,000 will be suspended pending compliance with the terms.

1/7/14: MassDEP entered into a Consent Order with an \$11,000 Penalty involving the Association of Eastern Point Residents, Inc. for Wetlands violations in Gloucester. Specifically, the violations occurred within and on adjacent parcels to a private way known as Brace Cove Road in Gloucester. At the request of the Gloucester conservation commission, MassDEP investigated excavation and re-grading work that had been performed to widen a pedestrian path located within the private way. This work was performed by the Association without the required authorization. The work resulted in alteration of approximately 1,000 square feet of coastal dune within the path, less than 50 square feet of coastal beach on an adjacent parcel, and approximately 350 square feet of bordering vegetated wetland on an adjacent parcel. The document requires full restoration of wetland resource areas with long-term monitoring and payment of \$2,000, with the remaining \$9,000 suspended pending demonstrated compliance.

1/2/14: MassDEP entered into a Consent Order with a \$16,250 Penalty involving James and Celeste Chenier for Wetlands violations in Ludlow. Specifically, the violations involved the alteration of riverfront area, bordering vegetated wetland, bank, land under water as well as bordering land subject to flooding at a farm that is owned by the Cheniers. The work had been done in an effort to establish a hayfield at the site in order to ensure continuation of the Chapter 61A tax status. In addition to constructing a "replacement area" for the violations, the Cheniers will place the area of approximately 3-acre area kettle bog into a conservation restriction, and pay a penalty of \$5,000. The balance, \$11,250 will be suspended provided the construction of the restoration area is achieved and the conservation restriction and future compliance is maintained.

1/2/14: MassDEP entered into a Consent Order with a \$24,000 Penalty involving Chenier's Gravel Bank, Inc. for Wetlands violations in Ludlow. Chenier's Gravel Bank, Inc. has agreed to resolve the alteration of the riverfront area at the gravel bank's property. Chenier's will also delineate the entire site to ensure there are no future violations, as well as restore the riverfront area. Chenier's has agreed to pay \$1,000 of the Penalty with the remainder, \$23,000, suspended pending compliance.